

# THE DEPARTMENT OF STATE BULLETIN

VOL. XIII, NO. 327

*With the compliments of* SEPTEMBER 30, 1945

*Lawrence Preuss*

*In this issue*

**DISPLACED PERSONS IN GERMANY**

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Earl G. Harrison*

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*By Lawrence Preuss*

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THE DEPARTMENT OF STATE

# BULLETIN

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# Displaced Persons in Germany

## LETTER FROM PRESIDENT TRUMAN TO GENERAL EISENHOWER TRANSMITTING REPORT OF EARL G. HARRISON

[Released to the press by the White House September 29]

AUGUST 31, 1945.

MY DEAR GENERAL EISENHOWER:

I have received and considered the report of Mr. Earl G. Harrison, our representative on the Intergovernmental Committee on Refugees, upon his mission to inquire into the condition and needs of displaced persons in Germany who may be stateless or non-repatriable, particularly Jews. I am sending you a copy of that report. I have also had a long conference with him on the same subject matter.

While Mr. Harrison makes due allowance for the fact that during the early days of liberation the huge task of mass repatriation required main attention, he reports conditions which now exist and which require prompt remedy. These conditions, I know, are not in conformity with policies promulgated by SHAEF, now Combined Displaced Persons Executive. But they are what actually exists in the field. In other words, the policies are not being carried out by some of your subordinate officers.

For example, military government officers have been authorized and even directed to requisition billeting facilities from the German population for the benefit of displaced persons. Yet, from this report, this has not been done on any wide scale. Apparently it is being taken for granted that all displaced persons, irrespective of their former persecution or the likelihood that their repatriation or resettlement will be delayed, must remain in camps—many of which are overcrowded and heavily guarded. Some of these camps are the very ones where these people were herded together, starved, tortured and made to witness the death of their fellow-inmates and friends and relatives.

The announced policy has been to give such persons preference over the German civilian population in housing. But the practice seems to be quite another thing.

We must intensify our efforts to get these people out of camps and into decent houses until they can be repatriated or evacuated. These houses should be requisitioned from the German civilian population. That is one way to implement the Potsdam policy that the German people "cannot escape responsibility for what they have brought upon themselves."

I quote this paragraph with particular reference to the Jews among the displaced persons:

"As matters now stand, we appear to be treating the Jews as the Nazis treated them except that we do not exterminate them. They are in concentration camps in large numbers under our military guard instead of S.S. troops. One is led to wonder whether the German people, seeing this, are not supposing that we are following or at least condoning Nazi policy."

You will find in the report other illustrations of what I mean.

I hope you will adopt the suggestion that a more extensive plan of field visitation by appropriate Army Group Headquarters be instituted, so that the humane policies which have been enunciated are not permitted to be ignored in the field. Most of the conditions now existing in displaced persons camps would quickly be remedied if through inspection tours they came to your attention or to the attention of your supervisory officers.

I know you will agree with me that we have a particular responsibility toward these victims of



persecution and tyranny who are in our zone. We must make clear to the German people that we thoroughly abhor the Nazi policies of hatred and persecution. We have no better opportunity to demonstrate this than by the manner in which we ourselves actually treat the survivors remaining in Germany.

I hope you will report to me as soon as possible the steps you have been able to take to clean up the conditions mentioned in the report.

I am communicating directly with the British Government in an effort to have the doors of Palestine opened to such of these displaced persons as wish to go there.

Very sincerely yours,

HARRY S. TRUMAN

## REPORT OF EARL G. HARRISON

*Mission to Europe to inquire into the condition and needs of those among the displaced persons in the liberated countries of Western Europe and in the SHAEF area of Germany—with particular reference to the Jewish refugees—who may possibly be stateless or non-repatriable.*

LONDON, ENGLAND

THE PRESIDENT,  
The White House,  
Washington.

MY DEAR MR. PRESIDENT:

Pursuant to your letter of June 22, 1945, I have the honor to present to you a partial report upon my recent mission to Europe to inquire into (1) the conditions under which displaced persons and particularly those who may be stateless or non-repatriable are at present living, especially in Germany and Austria, (2) the needs of such persons, (3) how those needs are being met at present by the military authorities, the governments of residence and international and private relief bodies, and (4) the views of the possibly non-repatriable persons as to their future destinations.

My instructions were to give particular attention to the problems, needs and views of the Jewish refugees among the displaced people, especially in Germany and Austria. The report, particu-

larly this partial report, accordingly deals in the main with that group.

On numerous occasions appreciation was expressed by the victims of Nazi persecution for the interest of the United States Government in them. As my report shows they are in need of attention and help. Up to this point they have been "liberated" more in a military sense than actually. For reasons explained in the report, their particular problems, to this time, have not been given attention to any appreciable extent; consequently they feel that they, who were in so many ways the first and worst victims of Nazism, are being neglected by their liberators.

Upon my request, the Department of State authorized Dr. Joseph J. Schwartz to join me in the mission.<sup>1</sup> Dr. Schwartz, European Director of the American Joint Distribution Committee, was granted a leave of absence from that organization for the purpose of accompanying me. His long and varied experience in refugee problems as well as his familiarity with the Continent and the people made Dr. Schwartz a most valuable associate; this report represents our joint views, conclusions and recommendations.

During various portions of the trip I had, also, the assistance of Mr. Patrick M. Malin, Vice Director of the Intergovernmental Committee on Refugees and Mr. Herbert Katzski of the War Refugee Board. These gentlemen, likewise, have had considerable experience in refugee matters. Their assistance and cooperation were most helpful in the course of the survey.

### I

#### Germany and Austria

##### Conditions

(1) Generally speaking, three months after V-E Day and even longer after the liberation of individual groups, many Jewish displaced persons and other possibly non-repatriables are living under guard behind barbed-wire fences, in camps of several descriptions, (built by the Germans for slave-laborers and Jews) including some of the most notorious of the concentration camps, amidst crowded, frequently unsanitary and generally grim conditions, in complete idleness, with no opportunity, except surreptitiously, to communicate with the outside world, waiting, hoping for some word of encouragement and action in their behalf.

<sup>1</sup> BULLETIN of July 8, 1945, p. 53; see also BULLETIN of Mar. 18, 1945, p. 452.



(2) While there has been marked improvement in the health of survivors of the Nazi starvation and persecution program, there are many pathetic malnutrition cases both among the hospitalized and in the general population of the camps. The death rate has been high since liberation, as was to be expected. One Army Chaplain, a Rabbi, personally attended, since liberation, 23,000 burials (90% Jews) at Bergen Belsen alone, one of the largest and most vicious of the concentration camps, where, incidentally, despite persistent reports to the contrary, fourteen thousand displaced persons are still living, including over seven thousand Jews. At many of the camps and centers, including those where serious starvation cases are, there is a marked and serious lack of needed medical supplies.

(3) Although some Camp Commandants have managed, in spite of the many obvious difficulties, to find clothing of one kind or another for their charges, many of the Jewish displaced persons, late in July, had no clothing other than their concentration camp garb—a rather hideous striped pajama effect—while others, to their chagrin, were obliged to wear German S.S. uniforms. It is questionable which clothing they hate the more.

(4) With a few notable exceptions, nothing in the way of a program of activity or organized effort toward rehabilitation has been inaugurated and the internees, for they are literally such, have little to do except to dwell upon their plight, the uncertainty of their future and, what is more unfortunate, to draw comparisons between their treatment "under the Germans" and "in liberation". Beyond knowing that they are no longer in danger of the gas chambers, torture, and other forms of violent death, they see—and there is—little change. The morale of those who are either stateless or who do not wish to return to their countries of nationality is very low. They have witnessed great activity and efficiency in returning people to their homes but they hear or see nothing in the way of plans for them and consequently they wonder and frequently ask what "liberation" means. This situation is considerably accentuated where, as in so many cases, they are able to look from their crowded and bare quarters and see the German civilian population, particularly in the rural areas, to all appearances living normal lives in their own homes.

(5) The most absorbing worry of these Nazi and war victims concerns relatives—wives, hus-

bands, parents, children. Most of them have been separated for three, four or five years and they cannot understand why the liberators should not have undertaken immediately the organized effort to re-unite family groups. Most of the very little which has been done in this direction has been informal action by the displaced persons themselves with the aid of devoted Army Chaplains, frequently Rabbis, and the American Joint Distribution Committee. Broadcasts of names and locations by the Psychological Warfare Division at Luxembourg have been helpful, although the lack of receiving sets has handicapped the effectiveness of the program. Even where, as has been happening, information has been received as to relatives living in other camps in Germany, it depends on the personal attitude and disposition of the Camp Commandant whether permission can be obtained or assistance received to follow up on the information. Some Camp Commandants are quite rigid in this particular, while others lend every effort to join family groups.

(6) It is difficult to evaluate the food situation fairly because one must be mindful of the fact that quite generally food is scarce and is likely to be more so during the winter ahead. On the other hand, in presenting the factual situation, one must raise the question as to how much longer many of these people, particularly those who have over such a long period felt persecution and near starvation, can survive on a diet composed principally of bread and coffee, irrespective of the caloric content. In many camps, the 2,000 calories included 1,250 calories of a black, wet and extremely unappetizing bread. I received the distinct impression and considerable substantiating information that large numbers of the German population—again principally in the rural areas—have a more varied and palatable diet than is the case with the displaced persons. The Camp Commandants put in their requisitions with the German burgomeister and many seemed to accept whatever he turned over as being the best that was available.

(7) Many of the buildings in which displaced persons are housed are clearly unfit for winter use and everywhere there is great concern about the prospect of a complete lack of fuel. There is every likelihood that close to a million displaced persons will be in Germany and Austria when winter sets in. The outlook in many areas so far as shelter, food and fuel are concerned is anything but bright.

## II

*Needs of the Jews*

While it is impossible to state accurately the number of Jews now in that part of Germany not under Russian occupation, all indications point to the fact that the number is small, with one hundred thousand probably the top figure; some informed persons contend the number is considerably smaller. The principal nationality groups are Poles, Hungarians, Rumanians, Germans and Austrians.

The first and plainest need of these people is a recognition of their actual status and by this I mean their status as Jews. Most of them have spent years in the worst of the concentration camps. In many cases, although the full extent is not yet known, they are the sole survivors of their families and many have been through the agony of witnessing the destruction of their loved ones. Understandably, therefore, their present condition, physical and mental, is far worse than that of other groups.

While SHAEF (now Combined Displaced Persons Executive) policy directives have recognized formerly persecuted persons, including enemy and ex-enemy nationals, as one of the special categories of displaced persons, the general practice thus far has been to follow only nationality lines. While admittedly it is not normally desirable to set aside particular racial or religious groups from their nationality categories, the plain truth is that this was done for so long by the Nazis that a group has been created which has special needs. Jews as Jews (not as members of their nationality groups) have been more severely victimized than the non-Jewish members of the same or other nationalities.

When they are now considered only as members of nationality groups, the result is that special attention cannot be given to their admittedly greater needs because, it is contended, doing so would constitute preferential treatment and lead to trouble with the non-Jewish portion of the particular nationality group.

Thus there is a distinctly unrealistic approach to the problem. Refusal to recognize the Jews as such has the effect, in this situation, of closing one's eyes to their former and more barbaric persecution, which has already made them a separate group with greater needs.

Their second great need can be presented only by discussing what I found to be their

*Wishes as to Future Destinations*

(1) For reasons that are obvious and need not be labored, most Jews want to leave Germany and Austria as soon as possible. That is their first and great expressed wish and while this report necessarily deals with other needs present in the situation, many of the people themselves fear other suggestions or plans for their benefit because of the possibility that attention might thereby be diverted from the all-important matter of evacuation from Germany. Their desire to leave Germany is an urgent one. The life which they have led for the past ten years, a life of fear and wandering and physical torture, has made them impatient of delay. They want to be evacuated to Palestine now, just as other national groups are being repatriated to their homes. They do not look kindly on the idea of waiting around in idleness and in discomfort in a German camp for many months until a leisurely solution is found for them.

(2) Some wish to return to their countries of nationality but as to this there is considerable nationality variation. Very few Polish or Baltic Jews wish to return to their countries; higher percentages of the Hungarian and Rumanian groups want to return although some hasten to add that it may be only temporarily in order to look for relatives. Some of the German Jews, especially those who have intermarried, prefer to stay in Germany.

(3) With respect to possible places of resettlement for those who may be stateless or who do not wish to return to their homes, Palestine is definitely and pre-eminently the first choice. Many now have relatives there, while others, having experienced intolerance and persecution in their homelands for years, feel that only in Palestine will they be welcomed and find peace and quiet and be given an opportunity to live and work. In the case of the Polish and the Baltic Jews, the desire to go to Palestine is based in a great majority of the cases on a love for the country and devotion to the Zionist ideal. It is also true, however, that there are many who wish to go to Palestine because they realize that their opportunity to be admitted into the United States or into other countries in the Western hemisphere is limited, if not impossible. Whatever the motive which



causes them to turn to Palestine, it is undoubtedly true that the great majority of the Jews now in Germany do not wish to return to those countries from which they came.

(4) Palestine, while clearly the choice of most, is not the only named place of possible emigration. Some, but the number is not large, wish to emigrate to the United States where they have relatives, others to England, the British Dominions, or to South America.

Thus the second great need is the prompt development of a plan to get out of Germany and Austria as many as possible of those who wish it.

Otherwise the needs and wishes of the Jewish groups among the displaced persons can be simply stated: among their physical needs are clothing and shoes (most sorely needed), more varied and palatable diet, medicines, beds and mattresses, reading materials. The clothing for the camps too is requisitioned from the German population, and whether there is not sufficient quantity to be had or the German population has not been willing or has not been compelled to give up sufficient quantity, the internees feel particularly bitter about the state of their clothing when they see how well the German population is still dressed. The German population today is still the best dressed population in all of Europe.

### III

#### Manner in Which Needs Are Being Met

Aside from having brought relief from the fear of extermination, hospitalization for the serious starvation cases and some general improvement in conditions under which the remaining displaced persons are compelled to live, relatively little beyond the planning stage has been done, during the period of mass repatriation, to meet the special needs of the formerly persecuted groups.

UNRRA, being neither sufficiently organized or equipped nor authorized to operate displaced persons camps or centers on any large scale, has not been in position to make any substantial contribution to the situation. Regrettably there has been a disinclination on the part of many Camp Commandants to utilize UNRRA personnel even to the extent available, though it must be admitted that in many situations this resulted from unfortunate experiences Army officers had with UNRRA personnel who were unqualified and in-

adequate for the responsibility involved. Then, too, in the American and British zones, it too frequently occurred that UNRRA personnel did not include English-speaking members and this hampered proper working relationships.

Under these circumstances, UNRRA, to which has been assigned the responsibility for co-ordinating activities of private social welfare agencies, has been in awkward position when it came to considering and acting upon proposals of one kind or another submitted by well qualified agencies which would aid and supplement military and UNRRA responsibilities. The result has been that, up to this point, very few private social agencies are working with displaced persons, including the Jews, although the situation cries out for their services in many different ways.

It must be said, too, that because of their pre-occupation with mass repatriation and because of housing, personnel and transport difficulties, the military authorities have shown considerable resistance to the entrance of voluntary agency representatives, no matter how qualified they might be to help meet existing needs of displaced persons.

### IV

#### Conclusions and Recommendations

1. Now that the worst of the pressure of mass repatriation is over, it is not unreasonable to suggest that in the next and perhaps more difficult period those who have suffered most and longest be given first and not last attention.

Specifically, in the days immediately ahead, the Jews in Germany and Austria should have the first claim upon the conscience of the people of the United States and Great Britain and the military and other personnel who represent them in work being done in Germany and Austria.

2. Evacuation from Germany should be the emphasized theme, policy and practice.

(a) Recognizing that repatriation is most desirable from the standpoint of all concerned, the Jews who wish to return to their own countries should be aided to do so without further delay. Whatever special action is needed to accomplish this with respect to countries of reception or consent of military or other authorities should be undertaken with energy and determination. Unless this and other action, about to be sug-



gested, is taken, substantial unofficial and unauthorized movements of people must be expected, and these will require considerable force to prevent, for the patience of many of the persons involved is, and in my opinion with justification, nearing the breaking point. It cannot be over-emphasized that many of these people are now desperate, that they have become accustomed under German rule to employ every possible means to reach their end, and that the fear of death does not restrain them.

(b) With respect to those who do not, for good reason, wish to return to their homes, prompt planning should likewise be undertaken. In this connection, the issue of Palestine must be faced. Now that such large numbers are no longer involved and if there is any genuine sympathy for what these survivors have endured, some reasonable extension or modification of the British White Paper of 1939 ought to be possible without too serious repercussions. For some of the European Jews, there is no acceptable or even decent solution for their future other than Palestine. This is said on a purely humanitarian basis with no reference to ideological or political considerations so far as Palestine is concerned.

It is my understanding, based upon reliable information, that certificates for immigration to Palestine will be practically exhausted by the end of the current month (August 1945). What is the future to be? To anyone who has visited the concentration camps and who has talked with the despairing survivors, it is nothing short of calamitous to contemplate that the gates of Palestine should be soon closed.

The Jewish Agency of Palestine has submitted to the British Government a petition that one hundred thousand additional immigration certificates be made available. A memorandum accompanying the petition makes a persuasive showing with respect to the immediate absorptive capacity of Palestine and the current, actual man-power shortages there.

While there may be room for difference of opinion as to the precise number of such certificates which might under the circumstances be considered reasonable, there is no question but that the request thus made would, if granted, contribute much to the sound solution for the future of Jews still in Germany and Austria and even other dis-

placed Jews, who do not wish either to remain there or to return to their countries of nationality.

No other single matter is, therefore, so important from the viewpoint of Jews in Germany and Austria and those elsewhere who have known the horrors of the concentration camps as is the disposition of the Palestine question.

Dr. Hugh Dalton, a prominent member of the new British Government, is reported as having said at the Labour Party Conference in May 1945:

"This Party has laid it down and repeated it so recently as last April . . . that this time, having regard to the unspeakable horrors that have been perpetrated upon the Jews of Germany and other occupied countries in Europe, it is morally wrong and politically indefensible to impose obstacles to the entry into Palestine now of any Jews who desire to go there. . . ."

"We also have stated clearly that this is not a matter which should be regarded as one for which the British Government alone should take responsibility; but as it comes, as do many others, in the international field, it is indispensable that there should be close agreement and cooperation among the British, American and Soviet Governments, particularly if we are going to get a sure settlement in Palestine and the surrounding countries. . . ."

If this can be said to represent the viewpoint of the new Government in Great Britain, it certainly would not be inappropriate for the United States Government to express its interest in and support of some equitable solution of the question which would make it possible for some reasonable number of Europe's persecuted Jews, now homeless under any fair view, to resettle in Palestine. That is their wish and it is rendered desirable by the generally-accepted policy of permitting family groups to unite or reunite.

(c) The United States should, under existing immigration laws, permit reasonable numbers of such persons to come here, again particularly those who have family ties in this country. As indicated earlier, the number who desire emigration to the United States is not large.

If Great Britain and the United States were to take the actions recited, it might the more readily be that other countries would likewise be willing to keep their doors reasonably open for such humanitarian considerations and to demonstrate in a practical manner their disapproval of

Nazi policy which unfortunately has poisoned so much of Europe.

3. To the extent that such emigration from Germany and Austria is delayed, some immediate temporary solution must be found. In any event there will be a substantial number of the persecuted persons who are not physically fit or otherwise presently prepared for emigration.

Here I feel strongly that greater and more extensive efforts should be made to get them out of camps for they are sick of living in camps. In the first place, there is real need for such specialized places as (a) tuberculosis sanatoria and (b) rest homes for those who are mentally ill or who need a period of readjustment before living again in the world at large—anywhere. Some will require at least short periods of training or retraining before they can be really useful citizens.

But speaking more broadly, there is an opportunity here to give some real meaning to the policy agreed upon at Potsdam. If it be true, as seems to be widely conceded, that the German people at large do not have any sense of guilt with respect to the war and its causes and results, and if the policy is to be "To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves," then it is difficult to understand why so many displaced persons, particularly those who have so long been persecuted and whose repatriation or resettlement is likely to be delayed, should be compelled to live in crude, over-crowded camps while the German people, in rural areas, continue undisturbed in their homes.

As matters now stand, we appear to be treating the Jews as the Nazis treated them except that we do not exterminate them. They are in concentration camps in large numbers under our military guard instead of S.S. troops. One is led to wonder whether the German people, seeing this, are not supposing that we are following or at least condoning Nazi policy.

It seems much more equitable and as it should be to witness the very few places where fearless and uncompromising military officers have either requisitioned an entire village for the benefit of displaced persons, compelling the German population to find housing where they can, or have required the local population to billet a reasonable number of them. Thus the displaced persons,

including the persecuted, live more like normal people and less like prisoners or criminals or herded sheep. They are in Germany, most of them and certainly the Jews, through no fault or wish of their own. This fact is in this fashion being brought home to the German people but it is being done on too small a scale.

At many places, however, the military government officers manifest the utmost reluctance or indisposition, if not timidity, about inconveniencing the German population. They even say that their job is to get communities working properly and soundly again, that they must "live with the Germans while the dps (displaced persons) are a more temporary problem". Thus (and I am ready to cite the example) if a group of Jews are ordered to vacate their temporary quarters, needed for military purposes, and there are two possible sites, one a block of flats (modest apartments) with conveniences and the other a series of shabby buildings with outside toilet and washing facilities, the burgomeister readily succeeds in persuading the Town Major to allot the latter to the displaced persons and to save the former for returning German civilians.

This tendency reflects itself in other ways, namely, in the employment of German civilians in the offices of military government officers when equally qualified personnel could easily be found among the displaced persons whose repatriation is not imminent. Actually there have been situations where displaced persons, especially Jews, have found it difficult to obtain audiences with military government authorities because ironically they have been obliged to go through German employees who have not facilitated matters.

Quite generally, insufficient use is made of the services of displaced persons. Many of them are able and eager to work but apparently they are not considered in this regard. While appreciating that language difficulties are sometimes involved, I am convinced that, both within and outside camps, greater use could be made of the personal services of those displaced persons who in all likelihood will be on hand for some time. Happily in some camps every effort is made to utilize the services of the displaced persons and these are apt to be the best camps in all respects.

4. To the extent that (a) evacuation from Germany and Austria is not immediately possible and (b) the formerly persecuted groups cannot be



housed in villages or billeted with the German population, I recommend urgently that separate camps be set up for Jews or at least for those who wish, in the absence of a better solution, to be in such camps. There are several reasons for this: (1) a great majority want it; (2) it is the only way in which administratively their special needs and problems can be met without charges of preferential treatment or (oddly enough) charges of "discrimination" with respect to Jewish agencies now prepared and ready to give them assistance.

In this connection, I wish to emphasize that it is not a case of singling out a particular group for special privileges. It is a matter of raising to a more normal level the position of a group which has been depressed to the lowest depths conceivable by years of organized and inhuman oppression. The measures necessary for their restitution do not come within any reasonable interpretation of privileged treatment and are required by considerations of justice and humanity.

There has been some tendency at spots in the direction of separate camps for those who might be found to be stateless or non-repatriable or whose repatriation is likely to be deferred some time. Actually, too, this was announced some time ago as SHEAF policy but in practice it has not been taken to mean much for there is (understandably if not carried too far) a refusal to contemplate possible statelessness and an insistence, in the interests of the large repatriation program, to consider all as repatriable. This results in a resistance to anything in the way of special planning for the "hard core", although all admit it is there and will inevitably appear. While speaking of camps, this should be pointed out: While it may be that conditions in Germany and Austria are still such that certain control measures are required, there seems little justification for the continuance of barbed-wire fences, armed guards, and prohibition against leaving the camp except by passes, which at some places are illiberally granted. Prevention of looting is given as the reason for these stern measures but it is interesting that in portions of the Seventh Army area where greater liberty of movement in and out of camps is given there is actually much less plundering than in other areas where people, wishing to leave camp temporarily, must do so by stealth.

5. As quickly as possible, the actual operation of such camps should be turned over to a civilian

agency—UNRRA. That organization is aware of weaknesses in its present structure and is pressing to remedy them. In that connection, it is believed that greater assistance could be given by the military authorities, upon whom any civilian agency in Germany and Austria today is necessarily dependent so far as housing, transport and other items are concerned. While it is true the military have been urging UNRRA to get ready to assume responsibility, it is also the fact that insufficient cooperation of an active nature has been given to accomplish the desired end.

6. Since, in any event, the military authorities must necessarily continue to participate in the program for all displaced persons, especially with respect to housing, transport, security, and certain supplies, it is recommended that there be a review of the military personnel selected for Camp Commandant positions. Some serving at present, while perhaps adequate for the mass repatriation job, are manifestly unsuited for the longer-term job of working in a camp composed of people whose repatriation or resettlement is likely to be delayed. Officers who have had some background or experience in social welfare work are to be preferred and it is believed there are some who are available. It is most important that the officers selected be sympathetic with the program and that they be temperamentally able to work and to cooperate with UNRRA and other relief and welfare agencies.

7. Pending the assumption of responsibility for operations by UNRRA, it would be desirable if a more extensive plan of field visitation by appropriate Army Group Headquarters be instituted. It is believed that many of the conditions now existing in the camps would not be tolerated if more intimately known by supervisory officers through inspection tours.

8. It is urgently recommended that plans for tracing services, now under consideration, be accelerated to the fullest extent possible and that, in this same direction, communication services, if on open postal cards only, be made available to displaced persons within Germany and Austria as soon as possible. The difficulties are appreciated but it is believed that if the anxiety of the people, so long abused and harassed, were fully understood, ways and means could be found within the near future to make such communication and tracing of relatives possible. I believe also that



some of the private agencies could be helpful in this direction if given an opportunity to function.

# V

## Other Comments

While I was instructed to report conditions as I found them, the following should be added to make the picture complete:

(1) A gigantic task confronted the occupying armies in Germany and Austria in getting back to their homes as many as possible of the more than six million displaced persons found in those countries. Less than three months after V-E Day, more than four million of such persons have been repatriated—a phenomenal performance. One's first impression, in surveying the situation, is that of complete admiration for what has been accomplished by the military authorities in so materially reducing the time as predicted to be required for this stupendous task. Praise of the highest order is due all military units with respect to this phase of the post-fighting job. In directing attention to existing conditions which unquestionably require remedying, there is no intention or wish to detract one particle from the preceding statements.

(2) While I did not actually see conditions as they existed immediately after liberation I had them described in detail sufficient to make entirely clear that there has been, during the intervening period, some improvement in the conditions under which most of the remaining displaced persons are living. Reports which have come out of Germany informally from refugees themselves and from persons interested in refugee groups indicate something of a tendency not to take into account the full scope of the overwhelming task and responsibilities facing the military authorities. While it is understandable that those who have been persecuted and otherwise mistreated over such a long period should be impatient at what appears to them to be undue delay in meeting their special needs, fairness dictates that, in evaluating the progress made, the entire problem and all of its ramifications be kept in mind. My effort has been, therefore, to weigh quite carefully the many complaints made to me in the course of my survey, both by displaced persons themselves and in their behalf, in the light of the many responsibilities which confronted the military authorities.

(3) While for the sake of brevity this report

necessarily consisted largely of general statements, it should be recognized that exceptions exist with respect to practically all of such generalizations. One high ranking military authority predicted, in advance of my trip through Germany and Austria, that I would find, with respect to camps containing displaced persons, "some that are quite good, some that are very bad, with the average something under satisfactory". My subsequent trip confirmed that prediction in all respects.

In order to file this report promptly so that possibly some remedial steps might be considered at as early a date as possible, I have not taken time to analyze all of the notes made in the course of the trip or to comment on the situation in France, Belgium, Holland or Switzerland, also visited. Accordingly, I respectfully request that this report be considered as partial in nature. The problems present in Germany and Austria are much more serious and difficult than in any of the other countries named and this fact, too, seemed to make desirable the filing of a partial report immediately upon completion of the mission.

In conclusion, I wish to repeat that the main solution, in many ways the only real solution, of the problem lies in the quick evacuation of all non-repatriable Jews in Germany and Austria, who wish it, to Palestine. In order to be effective, this plan must not be long delayed. The urgency of the situation should be recognized. It is inhuman to ask people to continue to live for any length of time under their present conditions. The evacuation of the Jews of Germany and Austria to Palestine will solve the problem of the individuals involved and will also remove a problem from the military authorities who have had to deal with it. The army's ability to move millions of people quickly and efficiently has been amply demonstrated. The evacuation of a relatively small number of Jews from Germany and Austria will present no great problem to the military. With the end of the Japanese war, the shipping situation should also become sufficiently improved to make such a move feasible. The civilized world owes it to this handful of survivors to provide them with a home where they can again settle down and begin to live as human beings.

Respectfully,

EARL G. HARRISON

## Problems Confronting Displaced Persons Program in Germany

[Released to the press by UNRRA September 28]

In preparation for the program to care for the 1,380,000 displaced persons remaining in Germany on September 15, Lt. Col. Charles I. Schottland, formerly Chief of the Processing Center Section, Displaced Persons Branch, SHAEF, has returned from Germany to consult with UNRRA and War Department officials. Colonel Schottland, on terminall leave from the United States War Department, is now Assistant Director in charge of relief services for UNRRA, Germany.

Of the 1,380,000 displaced persons still in Germany, 825,000 are Poles. Other large groups remaining are 90,000 Hungarians, 40,000 Soviet citizens, 80,000 Jews, a large percentage of whom do not wish to return to their country of origin, and a sprinkling of other nationals from practically every country in Europe. The break-down according to zones is as follows: British zone, 643,000; American zone, 643,000; French zone, 93,000. Of this number, approximately 80 percent are adults, 20 percent children.

The United States and British armies, under SHAEF and later under the Combined Displaced Persons Executive, have to date repatriated to their homelands approximately 5,163,000 displaced persons. These include 1,510,000 French, 270,000 Dutch, almost 300,000 Belgians and Luxemburgers, over 2,000,000 citizens of the Union of Soviet Socialist Republics, 135,000 Czechs, 204,000 Yugoslavs, and 525,000 Italians.

The big problem now confronting UNRRA and the military officials is that of providing more or less permanent care for the non-repatriables and stateless as well as those who for one reason or another cannot be repatriated in the near future. To care for over 1,000,000 persons in these categories, UNRRA and the War Department are now working out arrangements whereby UNRRA will assume a greater share of the operating responsi-

bility for the displaced-persons program in Germany.

As of September 15, UNRRA had 373 teams consisting of 3,347 persons deployed in Germany. In addition to the usual type of camp, special centers are being established for children who are not accompanied by parents or guardians. Arrangements are also being made for the care of these children in Switzerland, France, Great Britain, and other countries. Special camps are being set up for Jews who cannot or do not wish to be repatriated to their country of origin.

UNRRA is also operating a Central Tracing Bureau which handles thousands of requests from displaced persons concerning the whereabouts of their families. Already many families have been brought together by means of this service.

A number of United States voluntary welfare agencies have concluded agreements with UNRRA wherever such agencies may make their personnel and services available to aid displaced persons in Germany. Thirty-three voluntary agency teams are now in the field, including the representatives of such American groups as the American Friends Service Committee, National Catholic Welfare Conference, Y.M.C.A., American Jewish Joint Distribution Committee, American Polish Relief, and others.

Under Colonel Schottland the Relief Service Division of UNRRA in Germany is concerned with problems of camp administration, welfare, child care, health, education, voluntary welfare agencies, tracing of missing relatives, employment of displaced persons and other related problems.

Prior to joining the Army in October 1942, Colonel Schottland served as Assistant Chief of the Children's Bureau in the U.S. Department of Labor. From 1933 to 1936 he was State Relief Administrator for California.



# Military Government in Germany

## EMPLOYMENT OF NAZIS IN U.S. ZONE<sup>1</sup>

According to Law Number Eight which comes into force today former Nazis can only be employed as ordinary workers. If new firms are founded, documentary proof must be given regarding observation of this ruling. The new law also lays down punishments which would be imposed and right to appeal. The law is headed "Prohibition of Employment of NSDWP [NSDAP, National Socialist German Workers' Party] Members in Enterprises Except in Subordinate Positions".

In order further to eliminate influence of Nazism in Germany it's hereby ordered that:

(1) It shall be illegal for any business enterprise to employ any member [of the] Nazi Party or of its affiliated organizations in any supervisory or managing capacity or in any capacity other than that of ordinary worker with exception [of] employment authorized by Military Government under provisions of Paragraph Five.

(2) If any business enterprise not now in operation desires [to] start up its principal official shall as condition to his being permitted to open or operate certify that it's employing no one contrary to provisions [in] Paragraph One hereof.

(3) Any business enterprise now open or operating with any person employed in violation [of] Paragraph One of this law shall immediately discharge such person failing which it shall be immediately closed by [the] Military Government.

(4) Any person violating any of [the] provisions [of] this law shall upon conviction of [a] Military Government court be liable to any lawful punishment as such court may determine.

(5) Any person discharged or refused employment under this law who claims he was not actively engaged in any of [the] activities of [the] Nazi Party or its affiliated organizations may appeal to [the] local office of [the] Military Government.

(6) This law becomes effective on September 26th 1945.

BY ORDER [OF THE] MILITARY GOVERNMENT.

DWIGHT D EISENHOWER

# Immigration Quotas for Austria and Germany<sup>2</sup>

[Released to the press by the White House September 28]

By the President of the United States of America

## A PROCLAMATION

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that pursuant to the duty imposed and the authority conferred upon them in and by sections 11 and 12 of the Immigration Act approved May 26, 1924 (43 Stat. 159-161), and Reorganization Plan No. V (3 CFR Cum. Supp., Ch. IV), they jointly have made the revision provided for in section 12 of the said act and have fixed the quotas for Austria and Germany in accordance therewith to be as hereinafter set forth:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid act of Congress, do hereby proclaim and make known that the annual quotas for Austria and Germany effective for the remainder of the fiscal year ending June 30, 1946, and for each fiscal year thereafter, have been determined in accordance with the law to be, and shall be, as follows:

Austria . . . . .	1,413
Germany . . . . .	25,957

The immigration quotas assigned to Austria and Germany are designed solely for purposes of compliance with the pertinent provisions of the Immigration Act of 1924 and are not to be regarded as having any significance extraneous to this object.

This proclamation shall take effect immediately, and shall have the effect of amending Proclamation 2283 of April 28, 1938.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

<sup>1</sup> Text transmitted by U.S. forces radio from Frankfurt and received by the Federal Communications Commission on Sept. 25, 1945.

<sup>2</sup> 10 Federal Register 12301.



DONE at the city of Washington this 28th day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON

*Acting Secretary of State.*

## Relations With Spain

### LETTER FROM THE LATE PRESIDENT ROOSEVELT TO THE AMERICAN AMBASSADOR TO SPAIN

[Released to the press September 26]

MARCH 10, 1945.

MY DEAR MR. ARMOUR:

In connection with your new assignment as Ambassador to Madrid I want you to have a frank statement of my views with regard to our relations with Spain.

Having been helped to power by Fascist Italy and Nazi Germany, and having patterned itself along totalitarian lines the present regime in Spain is naturally the subject of distrust by a great many American citizens who find it difficult to see the justification for this country to continue to maintain relations with such a regime. Most certainly we do not forget Spain's official position with and assistance to our Axis enemies at a time when the fortunes of war were less favorable to us, nor can we disregard the activities, aims, organizations, and public utterances of the Falange, both past and present. These memories cannot be wiped out by actions more favorable to us now that we are about to achieve our goal of complete victory over those enemies of ours with whom the present Spanish regime identified itself in the past spiritually and by its public expressions and acts.

The fact that our Government maintains formal diplomatic relations with the present Spanish regime should not be interpreted by anyone to imply approval of that regime and its sole party, the Falange, which has been openly hostile to the United States and which has tried to spread

its fascist party ideas in the Western Hemisphere. Our victory over Germany will carry with it the extermination of Nazi and similar ideologies.

As you know, it is not our practice in normal circumstances to interfere in the internal affairs of other countries unless there exists a threat to international peace. The form of government in Spain and the policies pursued by that Government are quite properly the concern of the Spanish people. I should be lacking in candor, however, if I did not tell you that I can see no place in the community of nations for governments founded on fascist principles.

We all have the most friendly feelings for the Spanish people and we are anxious to see a development of cordial relations with them. There are many things which we could and normally would be glad to do in economic and other fields to demonstrate that friendship. The initiation of such measures is out of the question at this time, however, when American sentiment is so profoundly opposed to the present regime in power in Spain.

Therefore, we earnestly hope that the time may soon come when Spain may assume the role and the responsibility which we feel it should assume in the field of international cooperation and understanding.

Very sincerely yours,

FRANKLIN D. ROOSEVELT

## Visit of Nicaraguan Artist

[Released to the press September 27]

Genero Amador Lira, director of the school of fine arts of the Central University of Nicaragua at Managua, has arrived at Washington as guest of the Department of State. Señor Amador Lira conducted a class this summer in sculpture at the inter-American workshop at Mills College, California, where he participated in the English Language Institute and special courses in ceramics.

On his transcontinental trip from California, Señor Amador Lira visited inter-American centers, art museums, and schools of art at San Francisco, Los Angeles, Kansas City, Chicago, and New York.

Last February the Government of Nicaragua awarded him its Rubén Darío Sculpture Prize, an annual award inaugurated this year.

# Labor and International Affairs

Address by

ACTING SECRETARY ACHESON<sup>1</sup>

YOUR INVITATION to send a message to the Inter-Union Institute for Labor and Democracy gives me a chance to make some observations that I have wanted to make for a long time. I wish that I could make them in person.

Every Government agency is popularly characterized or caricatured in some fashion. Some deserve the characterizations, but usually they are overdrawn. Some are known as "crackpot" or "socially visionary". Others are "tough"; still others are "dead". The State Department is frequently associated with morning coats, striped pants, and spats; with socially correct young men; and occasionally in a vague, mysterious, and even romantic way with international intrigue. This is due in part to misinformation—or lack of information—on the way in which we operate and the problems with which we deal. Some fault in this connection may be ascribed to the Department because for many years it did little to provide information about its work or its problems to the people.

Actually, international relations have much in common with relations among individuals. The subjects of concern in international affairs—the questions which give rise to misunderstanding and conflict—the actions which give rise to friendly feelings—all find a counterpart in individual and group relations within the boundaries of a single nation. They are subjects of practical concern to all the people. How people earn their living, from what sources they secure their essential supplies, what physical health they enjoy, what standards of living they maintain, how they invest their surplus funds, where they live and where they want to move and why, how they organize for cooperative action, how they vote and what political and security alliances they form—these are the stuff of which international relations are made.

Problems of international relations, then, are down-to-earth problems. They are the problems

of the people. The way in which they are resolved directly or indirectly affects all of the people. International relations should, therefore, compel the active interest of the people and their organizations. The agency responsible for its country's international relations should encourage that interest by providing information about its purposes and its problems.

It may seem strange that in 1945 one should speak of compelling the interest of the people in international affairs. There has been no lack of interest in international relations during the war years—at least in their military aspects. But even you and your organizations have only within recent years manifested much interest in international affairs. Time was when your unions' interests were confined almost exclusively to wages, hours, and conditions of work of your own members. Frequently this interest was limited to a small geographical area or to a segment of a single industry. Limited interests were accompanied by limited influence.

Those days, however, are now past. Labor has come of age in two noteworthy aspects. In the first place, during the war years labor has emerged as a powerful influence in the social, economic, and political life of modern nations. The best proof of this in the United States has been the role of labor in producing goods for the war effort and in such civic matters as the administration of price control and rationing.

Evidence abroad is no less impressive. The results of the national election in Great Britain this past summer are too well known to need re-

<sup>1</sup> Delivered before the Inter-Union Institute for Labor and Democracy, at Philadelphia, Pa., on Sept. 22, 1945. Because Mr. Acheson was not able to be present at the meeting his remarks were read by Cleon O. Swayzee of the Division of International Labor, Social, and Health Affairs, Office of International Trade Policy, Department of State.



counting. On the continent of Europe, the governments of all of the liberated areas are made up of a coalition of pro-labor parties or are strongly influenced by labor organizations. Moreover, a great part of the underground movement during the war was built around what remained of the labor movement. Canada and many of our Latin American neighbors have experienced equally impressive developments in the labor field.

Secondly, labor's coming of age is shown through its activity in international affairs. This is manifested in many ways—in the growth of international organizations of labor and in increasingly frequent exchange visits among labor people of many nations—and in the attention devoted to international issues in the labor press and in organized labor conventions. We in the Department of State see evidence of this interest in the greatly increased volume of correspondence from labor groups, expressing their views on a wide variety of subjects.

These developments stem from three facts. First, with a membership in excess of 13,000,000 workers, labor organizations are the principal voice of the great mass of our industrial population on economic and political questions. Second, because their membership is drawn from many sources, their interests must be as broad as those of the people themselves. The subjects considered at your last national conventions include—aside from those of immediate labor interest—a wide variety of other matters. Examples picked at random are: international security, taxation, aid to Yugoslavia, anti-Semitism, housing, prohibition, postal legislation, education, price control and rationing, the blind and physically handicapped, rivers and harbors, and even taxes on oleomargarine.

The third fact is that labor groups have learned how to organize for action with respect to their entire range of interests. Such action is no longer confined to wages and hours and no longer connotes only the application of pressure. Today labor is organized to make known its views on a variety of subjects and to work for their adoption. To this end it makes its talents available to Government agencies, as has been demonstrated by the work of the labor advisory committees to the War Manpower Commission, the Office of Price Administration, and other Federal agencies.

The State Department is conscious of the importance of these facts. They mean to us, first,

that we must provide machinery through which labor can express to us its views on foreign policy. We cannot do otherwise if we expect United States foreign policy to reflect the will of the people as a whole. This machinery, moreover, should be used by the Department to secure the technical information and advice which is available in your organizations.

Secondly, we know that no nation can construct an intelligent and democratic foreign policy if it does not keep itself informed on the attitudes, activities, and interests of the labor force of other countries. In order to know other nations, we must understand the people of those nations and their interests. How and under what conditions the people work, how productive they are, what wages they receive, what levels of living they enjoy, to what standards of living they aspire, what political and economic causes inspire their confidence or arouse their opposition, how they organize for economic and political action—these are the things that reveal the life and soul of a people; these are the things that determine the character of their government and from which one can forecast the role they are to play in the maintenance of a prosperous and peaceful world society.

The Department of State has recognized the importance of labor in international affairs by establishing, in January 1944, a separate unit, known as the Division of International Labor, Social, and Health Affairs, to deal with labor and closely related matters. Among this Division's responsibilities are: first, training and generally supervising the officers in the Foreign Service of the United States who specialize in reporting on foreign labor; second, distributing information, which for the most part has been gathered and compiled by other agencies, through the labor-reporting officers to persons interested in United States labor conditions, labor legislation, administration, and organizations; and third, making policy recommendations to the Department with respect to matters related to foreign labor or to international issues in which domestic labor has an interest.

These functions revolve principally around the work of the Foreign Service officers who specialize in foreign labor reporting, commonly referred to as labor attachés. They, like other Foreign Service officers, are regular members of the staff of the United States mission and are under the direct



supervision of the chief of mission. At present, there are 24 such officers: 7 in Latin America, 12 in Europe, and 4 in other places, including Canada, Australia, the Union of South Africa, and the Near and Middle East.

Four of the labor-reporting officers are regular Foreign Service officers who have developed an interest and competence in labor reporting and who were brought back to the Department for special training preparatory to undertaking their duties as labor-reporting officers. Most of them, however, have been recruited as trained specialists with a substantial background in the field of labor.

All of them have three characteristics in common. First, they are trained objective observers and reporters. Second, all of them have a sympathetic understanding of the problems with which they are concerned. Third, they have a better-than-average working knowledge of the language of the country to which they are assigned. While there is much information of a factual nature that can be secured from published sources with only a fair knowledge of the language, of even greater interest to the Department is that information which can be secured only from close and friendly contacts with people in all walks of life. This cannot be secured without a well-developed facility in the language.

The duties of the attachés reporting on labor are strictly observational and reportorial in character. Their function is to serve as a two-way channel of labor information—sending information covering the entire range of foreign labor and related subjects back to the Department and providing information on United States labor developments, upon request, to persons and agencies in the country to which they are assigned. In securing the foreign labor information, the attachés have two principal sources: publications, both official and private, and personal sources—workers, labor leaders, employers, and government officials who work in the labor field. Not only are these the best sources of information but it is through these channels that a better understanding of the United States may be engendered.

Distribution of information on United States labor affairs through our labor-reporting officers is facilitated by the great volume of labor information which flows from the Department to the labor-reporting officers. This includes not only the greater part of the releases and publications of the United States Department of Labor and

other Federal labor agencies but also the principal newspapers and other publications of the American Federation of Labor, the Congress of Industrial Organizations, and the Railway Labor Executives Association. It is expected that all of these publications will be made available to interested persons in the countries where the labor-reporting officers are stationed.

I want to call your special attention to the importance of this two-way flow of information, wholly aside from any immediate official use it may have. Its special importance, it seems to me, stems from the task immediately before us—the task of creating not only the machinery but, even more important, the atmosphere in which a just and lasting peace can be maintained. I believe that history has demonstrated over and over again that we cannot rely upon agreements between governments alone to maintain the peace. A lasting peace will have to rest upon a broad foundation of knowledge and understanding among the peoples of the world. To spread this knowledge and to develop this understanding will challenge the best of our efforts. Governments can help, of course, but it cannot be done by governments alone. The greater part of the burden rests upon you and your organizations. Upon the success of your efforts in this direction will depend in no small measure the character and duration of the peace.

In Washington the Division of International Labor, Social, and Health Affairs is staffed with specialists whose functions are, broadly, to advise the Department of State as a whole with reference to foreign and international developments in their fields. This involves, among other things, analysis of the impact of United States foreign economic policy and the foreign policy of other nations upon labor in the United States as well as in other countries. It relates likewise to the Department of State's interests in the International Labor Organization. There are other functions which have to do with migration and the large-scale population movements which will follow in the wake of the war. Finally, and on the knowledge that political and economic developments, both domestic and international, are influenced substantially by the health and welfare of a nation's people, the Division performs important functions in the fields of international health and social welfare.

(Continued on page 494)

## Twenty-Seventh Session of the International Labor Conference

### UNITED STATES DELEGATION

[Released to the press September 28]

The Department of State announced on September 28 the composition of the Delegation of the United States to the twenty-seventh session of the International Labor Conference, which will meet in Paris on October 15, 1945. The composition of the tripartite Delegation to represent the Government, employers, and workers of the United States in accordance with the provisions of the International Labor Organization, as approved by the President, is as follows:

#### REPRESENTING THE GOVERNMENT OF THE UNITED STATES

##### Delegates:

Frances Perkins, formerly United States Secretary of Labor

Elbert D. Thomas, United States Senate, chairman of the Military Affairs Committee

##### Advisers:

Mary T. Norton, Member of Congress, chairman of the Labor Committee of the House of Representatives

Carter Goodrich, United States Government Member of the Governing Body of the International Labor Office; Chairman of the Governing Body; professor of economics, Columbia University, New York, N. Y.

Katharine F. Lenroot, Chief, Children's Bureau, United States Department of Labor

John H. G. Pierson, Consultant on Post-War Employment Policy, United States Department of Labor

Clara M. Beyer, Assistant Director, Division of Labor Standards, United States Department of Labor

Ralph J. Bunche, Associate Chief, Division of Dependent Area Affairs, United States Department of State, and United States Commissioner, Anglo-American Caribbean Commission

Walter Kotschnig, Associate Chief, Division of International Organization Affairs, United States Department of State

William L. Connolly, Commissioner of Labor, State of Rhode Island

##### State Department Consultant:

Otis E. Mulliken, Chief, Division of International Labor, Social, and Health Affairs, United States Department of State

#### REPRESENTING THE EMPLOYERS OF THE UNITED STATES

##### Delegate:

David Zellerbach, President, Crown-Zellerbach Corporation, San Francisco, Calif.

##### Advisers:

James Tanham, Vice President, Texas Corporation, New York, N. Y.

John Meade, Assistant to the President, Bell Aircraft Corporation, Buffalo, N. Y.

M. M. Olander, Director of Industrial Relations, Owens-Illinois Glass Company, Toledo, Ohio

Carlyle Fraser, President, Genuine Parts Company, Atlanta, Ga.

#### REPRESENTING THE WORKERS OF THE UNITED STATES

##### Delegate:

Robert J. Watt, International Representative, American Federation of Labor, Washington

##### Advisers:

Arnold S. Zander, President, American Federation of State, County, and Municipal Employees, Madison, Wis.

John T. Jones, President, District No. 16, United Mine Workers of America, Washington

C. L. Darling, formerly President, American Train Dispatchers Association, Chicago, Ill.

John Brophy, Director of Industrial Union Councils, Congress of Industrial Organizations, Washington

Michael Ross, Director, Department of International Affairs, Congress of Industrial Organizations, Washington

##### Secretary of Delegation:

John S. Gambs, Adviser on International Labor Relations, United States Department of Labor

##### Secretary to Senator Thomas:

Ethel Evans

## Sanitary Conventions

### United Kingdom

The British Ambassador informed the Secretary of State by notes dated September 24, 1945 in accordance with article 21 of the International Sanitary Convention for Aerial Navigation, 1944, and article 24 of the International Sanitary Convention, 1944, of the application of the two conventions to certain British territories.<sup>1</sup>

According to the Ambassador's note, the provisions of the International Sanitary Convention for Aerial Navigation, 1944, now apply to Aden (Colony) and to Nyasaland (with reservations). The International Sanitary Convention, 1944, now applies to Aden (Colony), Basutoland, Bechuanaland, Mauritius, Seychelles (with reservations), and Swaziland.

<sup>1</sup> On Feb. 24, 1945 the British Ambassador informed the Secretary of State of other territories to which the two conventions would apply (BULLETIN of Feb. 25, 1945, p. 308).



# The International Court of Justice and the Problem of Compulsory Jurisdiction

BY LAWRENCE PREUSS<sup>1</sup>

ONE OF THE PURPOSES of the United Nations is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". Among the disputes for which member states are pledged to seek a peaceful solution are those in which they are in conflict as to their respective rights. Such disputes are commonly described as "legal" or "justiciable" disputes, since, to use a phrase employed in treaties, they are susceptible of decision by the application of the principles of law." Understood in this sense, they are to be distinguished from "political" disputes, which involve conflicting claims of interest.

In order to provide an institutional means for the settlement of legal disputes, the International Court of Justice is established as "the principal judicial organ of the United Nations", in conformity with the provisions of the Charter and of the Statute which is annexed thereto. This Court, although a new institution in the legal sense, is in fact the successor of the Permanent Court of International Justice, upon whose Statute that of the new Court is based.<sup>2</sup> It inherits not only the general form and features of the old Court but also the major problems which attended its birth and the 20-odd years of its life.

## Bases of Jurisdiction

The principal of these problems is that of determining whether the Court should have jurisdiction only when the parties agree to submit a specific dispute for adjudication (voluntary jurisdiction) or whether it should have jurisdiction at the instance of any party to a dispute (compulsory jurisdiction),<sup>3</sup> in pursuance of a prior agreement.

In both cases, the jurisdiction must be traced, directly or ultimately, to the volition of the parties, for, as the Permanent Court of International Justice itself stated in the *Eastern Carelia Case*, it is "well established in international law that no State can, without its consent, be compelled to submit its disputes with other States either to mediation or to arbitration or to any other kind of pacific settlement." It is apparent that this unfettered freedom which states enjoy under general international law, if exercised in any given case without a due sense of responsibility, may nullify in effect the very obligations which international law prescribes. An important controversy, of a nature to disturb the peace, may, once it has arisen, produce such a heightening of national feeling that agreement to refer the dispute to judicial settlement becomes politically unfeasible. It is therefore with the objective of extending the rule of law in the life of nations that efforts have been made to assure, in advance of a specific controversy, that states will permit the settlement of their legal disputes by the adjudication of an international tribunal.

<sup>1</sup> Dr. Preuss was formerly Associate Chief in charge of the judicial organization and legal branch of the Division of International Organization Affairs, Office of Special Political Affairs, Department of State.

<sup>2</sup> Art. 92 of the United Nations Charter. For text of the United Nations Charter and the Statute of the Court, see Department of State publication 2353.

<sup>3</sup> A third type, often confused with "compulsory" jurisdiction, is "obligatory" jurisdiction, which imposes upon the parties an obligation to submit certain disputes to arbitration, but necessitates the conclusion of a special agreement for the submission of each specific case. Such treaties, therefore, contain only an agreement to agree. The arbitration treaties of the United States are of this type.

### Jurisdiction of the Old Court

Such an effort was made in 1920 by the Committee of Jurists which drafted the Statute of the Permanent Court of International Justice. This Committee recommended that a broad compulsory jurisdiction be conferred upon the Court in all or any of the classes of legal disputes declared by article 13 of the Covenant of the League of Nations to be "generally suitable" for settlement by judicial means.

The Assembly and Council of the League, which reviewed the recommendations of the Committee of Jurists, were not prepared to go so far. As a result of strong opposition by the Great Powers, a compromise was evolved by which parties to the Statute of the Permanent Court of International Justice might accept the compulsory jurisdiction of the Court with respect to the classes of disputes referred to above. This submission was effected by acceptance of the "Optional Clause", annexed to the Protocol of Signature, and by making a declaration under paragraph 2 of article 36 of the Statute whereby the parties recognize the jurisdiction of the Court as "compulsory *ipso facto* and without special agreement," subject to reciprocity, to conditions as to time, and, by a liberal interpretation subsequently adopted, to reservations which relate either generally to certain aspects of any kind of disputes or specifically to certain classes of disputes.

In default of a declaration under paragraph 2 of article 36, parties to the Statute are subject only to the voluntary jurisdiction of the Court, which, by paragraph 1, comprises "all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force". Treaties ordinarily provide only for voluntary jurisdiction in that they expressly require a special agreement for reference of disputes which arise thereunder or because they provide alternative procedures of settlement. Many treaties, however, confer a limited compulsory jurisdiction upon the Court by the terms of "compromissory" clauses which permit reference of disputes upon application by any party. The final paragraph of article 36 also creates a limited compulsory jurisdiction in providing that the Court shall decide disputes relating to its own jurisdiction.

### Jurisdiction of the New Court

The jurisdictional provisions of the old Statute were adopted by the United Nations Conference without basic changes in principle. As finally approved, the text of article 36 of the Statute of the International Court of Justice reads as follows (the bracketed words indicating omissions from the former text and the italic words, additions):

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the *Charter of the United Nations* or in treaties or conventions in force.

2. The [members of the League of Nations and the] states [mentioned in the Annex to the Covenant] *parties to the present Statute* may [either when signing or ratifying the Protocol to which the present Statute is adjoined or at a later moment], *at any time* declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other [member or] state accepting the same obligation, the jurisdiction of the Court in all [or any of the classes of] legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain [members or] states, or for a certain time.

4. *Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.*

5. *Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.*

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

This result was reached only after prolonged debate, in which a sharp division of opinion developed on the central issue of general compulsory jurisdiction for all parties to the Statute versus limited compulsory jurisdiction based upon individual and voluntary acceptances of the optional provisions of paragraph 2 of article 36. The



optional form was adopted by Committee 1 (the International Court of Justice) of Commission IV by 31 affirmative votes as against 14 negative votes, but, as the rapporteur (Nasrat Al-Farsy, Iraq) stated in his final report:

"At the same time a majority of the members of the First Committee favored making the Court's jurisdiction compulsory, and some of these stated that they voted for the text only to achieve agreement. Formal declarations were made by several delegates to the effect that their votes did not indicate their state's views on the question of principle, as to which their states favored compulsory jurisdiction."<sup>4</sup>

Although the Conference failed to adopt the principle of general compulsory jurisdiction, it nevertheless took two steps which show that it regarded such jurisdiction as a desirable, though not immediately realizable, goal: (1) it adopted by unanimous vote a new paragraph under article 36 which provides that declarations made under the old Statute, and which are still in force, are to be deemed as among the parties to the new Statute to be acceptances of the compulsory jurisdiction of the new Court for the period which they have to run and in accordance with their terms; and (2) it adopted, also by unanimous vote, a resolution, later approved by the Conference, which recommended that states parties to the Statute proceed "as soon as possible" to make declarations according to the provisions of article 36.<sup>5</sup> The fact that the Conference considered that a gradual and evolutionary approach to the admitted goal constitutes the soundest policy under existing circumstances can be explained only in the light of the deliberations of the two bodies which were responsible for the formulation of the jurisdictional provisions of the new Statute: the Committee of Jurists, which met at Washington; and Committee IV/1 of the Conference at San Francisco.

### The Committee of Jurists

Substantive aspects of the future Statute of the proposed International Court of Justice were not discussed at Dumbarton Oaks, but a number of basic proposals were adopted which were to influence greatly the positions subsequently taken

by the various governments of the United Nations with respect to the jurisdiction of the Court. These proposals provided that there should be an International Court of Justice which should constitute the principal judicial organ of the Organization; that the Court should be constituted and should function in accordance with a Statute which should be a part of the Charter of the Organization; that states not members of the Organization should be permitted to become parties to the Statute upon conditions to be laid down by the General Assembly upon recommendation by the Security Council; and that the Statute should be either the Statute of the Permanent Court of International Justice with such modifications as might be desirable, or a new Statute based upon the old Statute.<sup>6</sup>

It was suggested informally during the Conversations that prior to the United Nations Conference a preliminary meeting of jurists be held for the purpose of drafting the Statute of the proposed Court, and formulating plans for its establishment. Such a meeting, it was believed, would enable the legal experts of the United Nations to give to juridical problems of the Court a more thorough consideration than would be possible during a general conference, and it would afford an opportunity to secure agreement, subject to approval by the Conference, upon the major issues involved. Accordingly, the Government of the United States, on behalf of itself and the other Governments sponsoring the San Francisco conference, on March 27, 1945 issued invitations to the governments to be represented at San Francisco

<sup>4</sup>UNCIO Doc. 913, IV/1/74 (1), June 12, 1945, p. 12. The documents of the United Nations Conference and of the Meeting of the Committee of Jurists are on file in the Department of State. A printed volume of selected documents is in preparation.

<sup>5</sup>UNCIO Doc. 870, IV/1/73, annex 3. In a further effort to conserve the results of progress already achieved, the new text of art. 37 provides:

"Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice."

<sup>6</sup>Ch. VII of the Dumbarton Oaks Proposals. For text of Dumbarton Oaks Proposals, see Department of State publication 2297.

to send delegates to a preliminary meeting of jurists to be held at Washington on April 9. The representatives of 44 governments met on the appointed date, and, as the United Nations Committee of Jurists, continued their deliberations through April 20.

The Committee of Jurists accepted as the basis for its deliberations a draft statute<sup>7</sup> presented by the United States Delegate and Chairman of the Committee, Green H. Hackworth, Legal Adviser of the Department of State.<sup>8</sup> It was the underlying premise of this draft that the Permanent Court of International Justice had, on the whole, functioned satisfactorily, and that changes in its Statute should be restricted to those necessary to correct positive defects and to take account of the eventual establishment of the Organization. In conformity with these principles, it suggested no change in article 36, except to provide that the jurisdiction of the Court should be extended to include matters specifically provided for in the Charter.

It was apparent in the debates before the Committee that a majority of the delegates considered that the time had arrived for a further advance toward compulsory jurisdiction than the compromise represented in the "optional clause".<sup>9</sup> No

less than 20 delegates expressed themselves in favor of the adoption of compulsory jurisdiction, and 4 presented motions to amend article 36 to this effect.<sup>10</sup> Several who opposed such action objected, not to the principle of compulsory jurisdiction, but on the ground that the question involved political issues which fell outside the province of a committee of jurists, and should, therefore, be reserved for decision by the United Nations Conference. Some, including the representative of the United Kingdom, argued that if it were desirable to adopt compulsory jurisdiction, it would be appropriate to make provision therefor in the Charter itself.<sup>11</sup>

An unequivocal position against the inclusion of a provision for compulsory jurisdiction was taken by the Soviet Delegate, Minister Novikov, who stated that such action would be unacceptable to his Government, which was dedicated to the establishment of an effective Court.<sup>12</sup> Attainment of this objective would be rendered impossible if an attempt were made to impose its jurisdiction upon states which are reluctant to accept it. On the other hand, the authority of the Court would be enhanced if the enlargement of its jurisdiction were achieved by the voluntary action of states in adhering to the "optional clause." The success of the Permanent Court of International Justice, and the fact that its judgments had been executed without exception, could, to a large extent, be attributed to the voluntary character of the jurisdiction established by article 36 of its Statute. Any attempt to alter it in the sense of making it compulsory might entail refusals to carry out its judgments on the part of states unwilling to submit themselves to its jurisdiction. The result might be to create disputes, rather than to settle them. It should be left, therefore, to the volition of parties to the Statute to determine whether they wished to be bound by the obligation of compulsory jurisdiction. For these reasons, the Soviet Delegate favored the retention of the "optional clause", as proposed in the United States draft.

The representative of New Zealand proposed a vote on the question; Mr. Hackworth argued strongly against the adoption of such a course, which, he thought, might lead to so sharp a division of views as to endanger subsequent agreement. He assumed that if signature of the Stat-

<sup>7</sup> US Jurist 1, G/1, Apr. 2, 1945.

<sup>8</sup> For an article on the International Court of Justice by Mr. Hackworth, see BULLETIN of Aug. 12, 1945, p. 216.

<sup>9</sup> See especially the summary reports of the 6th and 7th meetings of the Committee (Jurist 34, G/25, and Jurist 40, G/30). For opinions of various governments prior to the meeting of the Committee of Jurists, see "Official Comments Relating to the Statute of the Proposed International Court of Justice" (Jurist 1, G/1, pp. 29-49).

<sup>10</sup> Turkey, Jurist 27, DP/9; Egypt, Jurist 31, G/23; Honduras, Jurist 33, DP/10; China, Jurist 35, DP/11. The views of the United Kingdom, at least prior to the meeting of the Committee of Jurists, were in general those expressed by the Informal Inter-Allied Committee on the Future of the Permanent Court of International Justice, established at London in 1943, and consisting of experts appointed by 11 United Nations governments. The report of this Committee (Misc. No. 2 (1944), Cmd. 6531) suggested that it might be proper to provide for compulsory judicial settlement, subject to reservations, among members of the Organization *inter se*, although it should not be made a condition of accession to the Statute (pars. 58-61).

<sup>11</sup> See especially the remarks of G. G. Fitzmaurice, United Kingdom, and Jules Basdevant, France (Jurist 34, G/25, pp. 8 and 13).

<sup>12</sup> Jurist 40, G/30, p. 5; Jurist 34, G/25, p. 6; also remarks of Stojan Gavrilovic, Yugoslavia (Jurist 34, G/25, p. 9).



ute should involve *ipso facto* the compulsory jurisdiction of the Court, some states would find it difficult to become parties to the Statute. He shared the hope that the jurisdiction of the Court might be expanded, and he hoped that his own country might be among those which would adhere to the "optional clause" if it were adopted. He considered, therefore, that the wisest and most expedient course would be to proceed on the basis of the existing text of article 36.<sup>13</sup>

These arguments proved to be persuasive, since none of the delegates was willing to precipitate a situation in which the Court might be deprived of support by states whose membership was essential to its success. This possibility was especially serious, since failure to accept the Statute would directly affect the membership of the Organization itself, of whose Charter the Statute would form an integral part. A compromise solution was reached through the appointment of a subcommittee which drafted alternative texts, one retaining the optional provisions of the existing text of article 36, and the other providing for compulsory jurisdiction.<sup>14</sup> Placed upon this basis, the question assumed a political character, and, as such, was referred by the Committee to the Conference at San Francisco.<sup>15</sup>

#### Committee IV/1 of the Conference

Committee IV/1 was faced with the practical necessity of resolving the difference of views which had resulted in the presentation of alternative texts by the Committee of Jurists. In an endeavor to find an acceptable compromise, the Delegate of New Zealand submitted a draft of article 36 which provided for immediate acceptance of compulsory jurisdiction, subject to uniform reservations applicable to all parties. This draft received the support of the Delegates of Australia and Canada, but in general the various governments maintained the positions which they had previously taken. The Delegate of the United States again set forth the advantages of the optional provision, which would enable states favoring compulsory jurisdiction to remain consistent with their principles while permitting others to maintain their views. The Soviet Delegate stated that acceptance by his Government of the Statute, and perhaps of the Charter itself, might at this time be endangered

by insistence upon compulsory jurisdiction, even if provision were made for reservations. He expressed the belief that the position now taken by his Government did not preclude its eventual adherence to a general provision for the compulsory judicial settlement of all legal disputes.

The representatives of China and of certain of the lesser powers, while unwilling to assume the risk of jeopardizing the adherence of those states which found it difficult or impossible to accept compulsory jurisdiction at the present stage, were not prepared to forego a statement of their views for the sake of the record. The Delegate of Mexico expressed a view shared by several when he observed that the smaller nations, in accepting the extensive powers of the Security Council with regard to the settlement of political disputes, had shown their confidence and their trust in the greater nations; it seemed, however, that the latter, in declining to accept the compulsory settlement of legal disputes by a tribunal which had proved its impartiality, had failed to demonstrate a reciprocal trust.

The point of view which finally prevailed was that stated by the Delegate of the United Kingdom, who pointed out that his Government, as a signatory of the optional clause, was not opposed to compulsory jurisdiction. He observed, however, that two states which had not been members of the old Court and whose cooperation was essential to the new Court were not prepared to go beyond the provisions of article 36. The wisest course, therefore, would be to retain the optional form, and to leave to these states time in which to consider their future positions.<sup>16</sup>

<sup>13</sup> Jurist 40, G/30, pp. 2 and 3.

<sup>14</sup> Jurist 41, G/31; Jurist 43, G/33. A proposal by the Egyptian Delegate that compulsory jurisdiction be provided, subject to reservations (Jurist 31, G/23), was defeated by a vote of 9 to 21 (Jurist 64, G/51, p. 13). Similar proposals were supported by the Australian and Canadian Delegates (Jurist 34, G/25, pp. 12 and 15).

<sup>15</sup> See report of rapporteur, Jules Basdevant, France (Jurist 86, G/73, pp. 18-20); also UNCIO Doc. 857, IV/1/70.

<sup>16</sup> See summary reports of the 14th and 17th meetings of Committee IV/1 (UNCIO Doc. 661, IV/1/50, and UNCIO Doc. 759, IV/1/59). The Soviet position is more fully stated in the *Report on the Conference held at San Francisco, 25 April-26 June 1945* by the Rt. Hon. Peter Fraser, chairman of the New Zealand Delegation (Dept. of External Affairs, Wellington, 1945, publication 11), p. 103.

The subcommittee to which the subject had been referred recommended acceptance of the optional jurisdiction as the one most likely to secure general agreement.<sup>17</sup> When a vote was taken by Committee IV/1 on the question of principle, there were 26 votes in favor of the optional system, and 16 votes opposed. Since the majority fell short of the requisite two thirds, it appeared that an impasse had been reached. It was then suggested that a roll call on the actual text of article 36 submitted by the subcommittee might avoid this result. The voting on this second question produced the necessary majority in favor of the present text of article 36.<sup>18</sup>

<sup>17</sup> UNCIO Doc. 702, IV/1/55, p. 2.

<sup>18</sup> *Affirmative* (31 votes) : Argentina, Australia, Belgium, Brazil, Byelorussia, Canada, Chile, China, Colombia, Czechoslovakia, Ethiopia, France, Honduras, India, Iraq, Netherlands, New Zealand, Nicaragua, Norway, Peru, Philippine Commonwealth, Saudi Arabia, Syria, South Africa, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom, United States, Venezuela, Yugoslavia.

The following stated that they voted in favor only to prevent a stalemate: Australia, China, New Zealand, and Turkey.

*Negative* (14 votes) : Bolivia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Greece, Guatemala, Iran, Liberia, Mexico, Panama, Paraguay, Uruguay.

UNCIO Doc. 759, IV/1/59, pp. 5 and 6, as corrected.

<sup>19</sup> See the memorandum of the Norwegian Government on the Dumbarton Oaks Proposals, Mar. 2, 1945 (Jurist 1, G/1, p. 40) ; also remarks of Václav Beneš, Czechoslovakia, Sir Michael Myers, New Zealand, and Moneim-Riad Bey, Egypt, before the Committee of Jurists, Apr. 12, 1945 (Jurist 34, G/25, pp. 5 and 11, and Jurist 64, G/51, p. 11) ; and of K. H. Bailey, Australia, before Committee IV/1 of San Francisco conference (UNCIO Doc. 661, IV/1/50, p. 2).

<sup>20</sup> See Dumbarton Oaks Proposals, ch. VIII, sec. A, par. 3; and United Nations Charter, art. 33, par. 1.

<sup>21</sup> Brazil, UNCIO Doc. 2, G/7 (e) (2), p. 2; Peru, UNCIO Doc. 2, G/14 (u), p. 2; Venezuela, UNCIO Doc. 2, G/7 (d) (1), p. 41. Also UNCIO Doc. 207, III/2/A/3, pp. 10-12.

<sup>22</sup> See *Hearings on the Charter of the United Nations Before the Committee on Foreign Relations* (U. S. Senate, 79th Cong., 1st sess.), pp. 81-85; pp. 271-79 for statement by Leo Pasvolosky; pp. 233-34 for statement by Green H. Hackworth. See also *Report to the President on the Results of the San Francisco Conference* (Department of State publication 2349), pp. 83-86.

<sup>23</sup> UNCIO Doc. 675, III/2/24, pp. 1-3.

<sup>24</sup> UNCIO Doc. 1029, III/2/33, p. 4.

### Judicial Settlement and the Charter

The problem of compulsory jurisdiction also arose in the discussion of paragraph 6 of chapter VIII, section A, of the Dumbarton Oaks Proposals, which provided, in part, that "Justiciable disputes should normally be referred to the international court of justice". Since the preceding paragraph authorized the Security Council to "recommend appropriate procedures or methods of adjustment", it could be argued with some plausibility that the language of paragraph 6 empowered the Council to impose the compulsory adjudication of any legal dispute,<sup>19</sup> "the continuance of which is likely to endanger the maintenance of international peace and security".<sup>20</sup> This interpretation formed the basis of several amendments presented to the Conference.<sup>21</sup> In the debates which took place in Committee 2 (Peaceful Settlement) of Commission III (Security Council), this novel form of compulsory jurisdiction was opposed by the representative of the United States, among others, on the ground that it would be contrary to the general scheme envisaged for the pacific settlement of international disputes. It was the intent of the authors of the Proposals that the Security Council should have only the power to recommend procedures or methods which the parties would be free to accept or to reject; the power to resort to compulsive measures for the enforcement of a settlement would arise only if a failure to accept a recommendation should result in a situation determined by the Council to constitute a threat to, or a breach of, the peace. But even in this latter contingency, the Security Council would be acting not directly for the enforcement of its recommendation but for the maintenance or restoration of international peace and security.<sup>22</sup>

Upon a proposal by the United States representative that language be adopted which would clarify the meaning of paragraph 6 in the above sense,<sup>23</sup> Committee III/2 on June 15 approved, by a vote of 22-2, a text<sup>24</sup> which, with slight changes, was eventually incorporated in the Charter as article 36, paragraph 3:

"In making recommendations under this Article the Security Council should also take into con-



sideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court."

This provision makes it entirely clear that a limited compulsory jurisdiction has not been conferred upon the Court by the terms of the Charter which relate to peaceful settlement. As the rapporteur of the drafting subcommittee explained in presenting the revised text, the above paragraph does not involve the principle of compulsory reference; it merely serves to remind the Council and the parties in dispute that adjudication by the Court will ordinarily be the most appropriate method for settling controversies of a legal nature.<sup>25</sup>

### General Conclusions

Article 36 of the Statute of the International Court of Justice opens the way for the gradual extension of compulsory jurisdiction in legal disputes to all members of the United Nations Organization who are willing to accept the obligation, and, through growth in membership of the Organization, to all nations of the world. The results of past progress have, in the meanwhile, been conserved through continuance in force of declarations made under the old Statute. During the life of the Permanent Court of International Justice, 45 states have made effective declarations under article 36, and 21 signatories of the Charter and Statute are now so bound. Ten of these states have attached reservations to their acceptances which somewhat restrict the scope of the obligation assumed, and it may be anticipated that future declarations will be accompanied by reservations which will, at least, exclude from compulsory jurisdiction disputes relating to events occurring during the present war.<sup>26</sup> The most serious limitation of the jurisdiction of the Court in the present situation arises out of the fact that the United Kingdom is the only Great Power now bound by the "optional clause", since the declarations of China and France have expired. There exists, therefore, no obligation on the part of the Great Powers *inter se* to refer their legal disputes to the International Court of Justice, although they are bound, in differing degree and under various conditions, by instruments other than the Statute

to seek a judicial settlement of certain classes of legal controversies.

Eventual acceptance of the principle of compulsory jurisdiction was in no way precluded by the position taken by the United States Delegation during the United Nations Conference, and the support which it then gave to the optional system cannot be construed to imply any decision as to future policy. The principal task at San Francisco was to draft a Charter and Statute which would be promptly ratified by the signatory states, thus making possible the early establishment of the United Nations Organization. One of the factors which influenced the action taken has been described by Senator Vandenberg:

"It was the attitude of the American Delegation that in as much as each time this question has heretofore been submitted to the United States Senate the question of compulsory jurisdiction has always been a stumbling block, and there has always been a lack of willingness on the part of the Senate to go that far as yet, it would be unfortunate to write the court statute itself on a compulsory basis at the present time, but that rather we should leave its development to evolution, in as much as the whole process of world peace itself is finally dependent upon evolution in the spirit and attitude of the peoples of the earth. So we joined at San Francisco in maintaining the optional clause in order to be perfectly sure that at least this one needless hurdle would be removed from Senate consideration of the charter."<sup>27</sup>

There was little discussion of the International Court of Justice and of its jurisdiction during the consideration of the Charter by the Senate. It appeared, however, that the principal objections which in the past have prevented the adherence of the United States to the Statute of the Permanent Court of International Justice had disappeared with the decision to accept membership in the Organization of which the International

<sup>25</sup> UNCIO Doc. 992, III/2/27, p. 4; and the "Report of the Rapporteur of Committee III/2" (UNCIO Doc. 1027, III/2/31 (1)), p. 3.

<sup>26</sup> Such a reservation was made by France and by the United Kingdom and other members of the British Commonwealth of Nations after the outbreak of the present war.

<sup>27</sup> *Congressional Record*, July 27, 1945, p. 8247.

Court of Justice is to be a principal organ. It was without objection that the junior Senator from Oregon, Mr. Morse, introduced a resolution recommending that the President take appropriate action leading to early acceptance by the United States of the compulsory jurisdiction of the Court under paragraph 2 of article 36 of the Statute.<sup>28</sup> This step, Senator Morse said, should be regarded "as the first in a series which must be taken if the United Nations Organization is to cope with the complex conditions of present-day international society."<sup>29</sup>

## Visit of Brazilian Prison Director

[Released to the press September 27]

Capt. Victorio Canepa, Director of Prisons for the Federal District of Rio de Janeiro, Brazil, is studying United States prison systems and architecture as a guest of the Department of State. He is the responsible head of the five prisons that compose what has been described as one of the most modern penal communities of the world, including the Penitentiary, the Federal District Jail, two agricultural penal colonies, the Woman's Prison, and the Penal Hospital. His present visit has the primary object of observing developments that might profitably be embodied in the model penitentiary building soon to be erected on the outskirts of the Brazilian capital.

## Concerning Relations With Hungary

[Released to the press September 29]

Feeling that the provisional government of Hungary is able to take into account the interests of the various elements of the population in performing its functions as an interim government, the United States Government has decided to indicate its willingness to proceed with normalizing its relations with that country.

Accordingly, on September 22, 1945, acting under instructions from the Secretary of State, the United States Representative in Hungary, H. F. Arthur Schoenfeld, delivered a note to the Hun-

garian Foreign Minister indicating the readiness of this Government to establish diplomatic relations and negotiate a treaty with the provisional government of Hungary if that government would give full assurances for free and untrammelled elections for a representative government and if, in the meantime, it would provide to the full measure of its responsibilities under the armistice regime for freedom of political expression of democratic parties and right of assembly, such conditions being essential to permit the holding of free elections.

On September 25 the Hungarian Foreign Minister handed the United States Representative in Budapest a note of the same date stating that the Provisional National Government of Hungary was in a position to offer full guaranties to the Government of the United States concerning the conditions set forth in the note of September 22.

<sup>28</sup> Senate Resolution 160, referred to the Committee on Foreign Relations (*Congressional Record*, July 28, 1945, p. 8304).

The resolution recommends that compulsory jurisdiction be accepted in all legal disputes "hereafter arising", that it be made for a period not to exceed five years, and that it exclude from its operation: "(a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of pacific settlement; and (b) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the United States."

By unanimous consent, Senator Vandenberg read into the record a memorandum submitted at his request by Mr. Green H. Hackworth. In response to a question as to the method by which the United States might accept compulsory jurisdiction, this memorandum stated, in part, that "if the Executive should initiate action to accept compulsory jurisdiction of the Court under the optional clause contained in article 36 of the statute, such procedure as might be authorized by the Congress would be followed and if no specific procedure were prescribed by statute, the proposal would be submitted to the Senate with request for its advice and consent to the filing of the necessary declaration with the Secretary General of the United Nations" (*Congressional Record*, July 27, 1945, p. 8249). Senator Morse and Senator Vandenberg understood this to mean that acceptance of the compulsory jurisdiction of the Court could not be effected by Executive order, and that it would probably have to be effected by treaty (*Congressional Record*, July 28, 1945, p. 8303).

<sup>29</sup> *Congressional Record*, July 28, 1945, p. 8302. See also "Report of Rapporteur of Committee III/2" (UNCIO Doc. 1027, III/2/31 (1)), p. 3, and "Report of Rapporteur of Commission III" (UNCIO Doc. 1170, III/13), p. 2.



# Concerning Policy Toward Japan

## EXCHANGE OF LETTERS BETWEEN SENATOR WHERRY AND ACTING SECRETARY ACHESON

[Released to the press September 24]

SEPTEMBER 21, 1945.

DEAR MR. SECRETARY:

The confirmation of your nomination as Under Secretary of State is to be called up on the Senate Floor Monday. I am tremendously interested in the future policies of our Government which deal with demobilization and with laying the foundations for the restoration of peaceful relations among the nations of the world.

I was amazed to read in the *Washington Post* of Thursday, September 20th your rebuke of General MacArthur and your views relative to our future relationships with Japan. Inasmuch as I will be called upon to vote upon your nomination, I am anxious to know whether the following three statements from the *Post* are substantially correct in reflecting your views:

1. The United States Government not the Occupation Forces under General MacArthur is determining American policy toward Japan.

2. A decision on the part of the State Department for social and economic revolution in Japan.

3. In speaking of this Government's policy toward Japan, you said the policy would not be changed and that it would be carried out regardless of cost.

Mr. Secretary, do these statements reflect your attitude toward this Government's Japanese policy and toward MacArthur's administration of the task he has been assigned? Furthermore, I feel it my duty to direct the following questions to you and ask that you be good enough to forward your reply to me by Monday morning, at the latest, since my further interest in your confirmation will be largely conditioned by your answers.

1. Is General MacArthur acting as a representative only of the United States Government or of the Allied Governments as well in implementing the terms of the Potsdam agreement?

2. Do you know of any instance or instances wherein General MacArthur has evidenced any unwillingness to discharge his responsibilities as agent of the Allied Governments?

3. Are you wholeheartedly in agreement with the Potsdam Declaration?

4. Are not our dealings with Japan already honor bound by our commitment to the Potsdam Declaration?

5. Is there anything in the Potsdam Declaration which requires the Allied Nations to deal with Hirohito any differently than General MacArthur is now dealing with him?

6. Is there any provision in the Potsdam Declaration for any one of the Allied Governments deliberately to foster a social and economic revolution in Japan?

7. In implementing the provisions of this Declaration, do you believe that the judgment, the wisdom, and the magnanimity of spirit of General MacArthur's address aboard the USS *Missouri* could be surpassed when he said "Nor is it for us here to meet, representing as we do a majority of the peoples of the earth, in a spirit of distrust, malice, or hatred. But rather it is for us, both victors and vanquished, to rise to that higher dignity which alone benefits the sacred purposes we are about to serve, committing all of our people unreservedly to faithful compliance with the undertakings they are here formally to assume."

8. Is not the real ground for any quarrel between the State Department and General MacArthur the fact that he did not use the normal channels through which to transmit to the American people his conclusions as to his future needs in Japan, and if he had used the normal channels, what guarantee is there that the American people would have been informed?

9. If, after the few weeks that MacArthur has been in Tokyo, he has been able to revise his estimate of future needs so drastically, are not we warranted in assuming that General Eisenhower has made a similar revision? Do you know whether such a revision has been made by General Eisenhower and transmitted to this country, and, if so, whether that information has yet been given to the American people?

Because of the confusion which your statements have caused, you should have an opportunity to clarify them. I am sure there are a great number of American people who are as intensely interested in your answers as I will be. Therefore, I am

making this letter public and trust you will do the same with your reply.

Very truly yours

KENNETH S. WHERRY

SEPTEMBER 22, 1945

MY DEAR SENATOR WHERRY:

It is plain to me from your letter of September 21 that you have not had before you the statement which I made in response to a question from the press. I enclose the stenographic transcript of both question and answer. I also enclose a copy of the Potsdam proclamation, calling your attention specifically to paragraphs numbered 6 to 12, and the statement of general policy relating to Japan which has been released by the White House.

With the documents before you, you will have the exact text of my answer and also the official pronouncements of the Government on the same subject with which to test the correctness of my statement.

Sincerely yours,

DEAN ACHESON

*Acting Secretary*

[Here follow enclosures, the texts of which have appeared in the BULLETIN:

1. Excerpt from stenographic transcript of the Acting Secretary of State's press conference of September 19, 1945. See BULLETIN of September 23, 1945, p. 427.
2. Copy of Potsdam proclamation. See BULLETIN of July 29, 1945, p. 137.
3. Copy of statement of general policy relating to Japan. See BULLETIN of September 23, 1945, p. 423.]

## Authority of General MacArthur as Supreme Commander of the Allied Powers

[Released to the press by the White House September 24]

The text of a message transmitted on September 6 through the Joint Chiefs of Staff to General MacArthur follows. It was prepared jointly by the Department of State, the War Department, and the Navy Department and approved by the President on September 6. The message is a statement clarifying the authority which General MacArthur is to exercise in his position as Supreme Commander for the Allied powers.

"1. The authority of the Emperor and the Japanese Government to rule the State is subordinate to you as Supreme Commander for the Allied powers. You will exercise your authority as you deem proper to carry out your mission. Our relations with Japan do not rest on a contractual basis, but on an unconditional surrender. Since your authority is supreme, you will not entertain any question on the part of the Japanese as to its scope.

"2. Control of Japan shall be exercised through the Japanese Government to the extent that such an arrangement produces satisfactory results. This does not prejudice your right to act directly if required. You may enforce the orders issued by you by the employment of such measures as you deem necessary, including the use of force.

"3. The statement of intentions contained in the Potsdam Declaration will be given full effect.

It will not be given effect, however, because we consider ourselves bound in a contractual relationship with Japan as a result of that document. It will be respected and given effect because the Potsdam Declaration<sup>1</sup> forms a part of our policy stated in good faith with relation to Japan and with relation to peace and security in the Far East."

<sup>1</sup> The Proclamation Defining Terms for Japanese Surrender appears in the BULLETIN of July 29, 1945, p. 137. The message from the Japanese Government to the Government of the United States referred to this proclamation as follows: "The Japanese Government are ready to accept the terms enumerated in the joint declaration which was issued at Potsdam on July 26th, 1945, by the heads of the Governments of the United States, Great Britain, and China, and later subscribed by the Soviet Government, with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler." See BULLETIN of Aug. 12, 1945, p. 205.

This proclamation was issued while the Tripartite Conference of Berlin was in progress at the Cecilienhof near Potsdam. See BULLETIN of Aug. 5, 1945, p. 153.

The Instrument of Surrender, in which Japan accepted the "provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics . . ." appears on pages 364-65 of the BULLETIN of Sept. 9, 1945.

*Italics are the editor's.*



# Anglo-American Petroleum Agreement

[Released to the press by the Petroleum Administration for War September 24]

Signing of a revised agreement on petroleum between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America was announced simultaneously on September 24 in London and Washington. The revised agreement supersedes the Anglo-American agreement on petroleum which was signed in Washington on August 8, 1944<sup>1</sup> but which was not brought into force.

The delegates who negotiated the new agreement were: For the United Kingdom, the Right Honorable EMANUEL SHINWELL, Minister of Fuel and Power, in association with Mr. HECTOR McNEIL, Parliamentary Undersecretary of State for Foreign Affairs; for the United States, the Honorable HAROLD L. ICKES, Secretary of the Interior and Petroleum Administrator for War, Mr. RALPH K. DAVIES, Deputy Petroleum Administrator, and Mr. CHARLES B. RAYNER, Petroleum Adviser to the State Department.

Mr. Shinwell, head of the United Kingdom Delegation, and Mr. Ickes, head of the United States Delegation, signed the new document on behalf of their Governments.

Negotiation of the revised agreement was begun at a meeting of the two Delegations and their advisers in the cabinet offices on September 18 and was concluded at a final plenary session at 4:30 p.m. Monday, September 24.

Revision of the originally signed agreement was necessitated by opposition in the United States Senate, based largely upon domestic consideration. At the President's request the Senate returned the agreement on January 15, 1945,<sup>2</sup> to the end that the objections might be considered. Thereafter, as the result of conferences among interested departments of the United States Government, proposals were prepared for submission to the United Kingdom. These were the subject of the conversations just concluded.

Official advisers to the United Kingdom Delegation were: Sir NORMAN DUKE, Ministry of Fuel and Power; Mr. F. C. STARLING, Ministry of Fuel

and Power; Sir DAVID WALEY, Treasury; Mr. R. A. GALLOP, Foreign Office; Mr. VICTOR BUTLER, British Petroleum Representative in Washington; and Mr. K. L. STOCK, Ministry of Fuel and Power, secretary.

Official advisers to the United States Delegation were: Mr. ROBERT HARDWICKE, Chief Counsel, Petroleum Administration for War; Mr. JOHN A. LORTUS, Chief of the Petroleum Division, Department of State; Mr. GORDON M. SESSIONS, Foreign Relations Assistant to the Petroleum Administrator for War; Mr. SAMUEL BOTSFORD, Petroleum Administration for War, recording secretary; Mr. VICTOR BARRY, Petroleum Attaché, American Embassy, London; and Mr. JAMES C. SAPPINGTON, American Embassy, London.

The text of the agreement follows:

*Preamble:* The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, whose Nationals hold, to a substantial extent jointly, rights to explore and develop petroleum resources in other countries, recognize:

1. That ample supplies of petroleum, available in international trade to meet increasing market demands, are essential for both the security and economic well-being of nations;

2. That for the foreseeable future the petroleum resources of the world are adequate to assure the availability of such supplies;

3. That the prosperity and security of all nations require the efficient and orderly development of the international petroleum trade;

4. That the orderly development of the international petroleum trade can best be promoted by international agreement among all countries interested in the petroleum trade, whether as producers or consumers.

The two Governments have therefore decided, as a preliminary measure to the calling of an inter-

<sup>1</sup> BULLETIN of Aug. 13, 1944, p. 153.

<sup>2</sup> BULLETIN of Jan. 14, 1945, p. 63.

national conference to consider the negotiation of a multilateral petroleum agreement, to conclude the following agreement.

*Article I:*

The signatory Governments agree that the international petroleum trade in all its aspects should be conducted in an orderly manner on a worldwide basis with due regard to the considerations set forth in the preamble, and within the framework of applicable laws and concession contracts. To this end and subject always to considerations of military security and to the provisions of such arrangements for the preservation of peace and prevention of aggression as may be in force, the signatory Governments affirm the following general principles with respect to the international petroleum trade:

(A) That adequate supplies of petroleum, which shall in this agreement mean crude petroleum and its derivatives, should be accessible in international trade to the Nationals of all countries on a competitive and nondiscriminatory basis;

(B) That, in making supplies of petroleum thus accessible in international trade, the interests of producing countries should be safeguarded with a view to their economic advancement.

*Article II:*

In furtherance of the purposes of this agreement, the signatory Governments will so direct their efforts:

(A) That all valid concession contracts and lawfully acquired rights shall be respected and that there shall be no interference directly or indirectly with such contracts or rights;

(B) That with regard to the acquisition of exploration and development rights the principle of equal opportunity shall be respected:

(C) That the exploration for and development of petroleum resources, the construction and operation of refineries and other facilities, and the distribution of petroleum shall not be hampered by restrictions inconsistent with the purposes of this agreement.

*Article III:*

1. With a view to the wider adoption of the principles embodied in this agreement, the signatory governments agree that as soon as practicable they will propose to the governments of all interested producing and consuming countries the

negotiation of an international petroleum agreement which *inter-alia* would establish a permanent international petroleum council.

2. To this end the signatory governments agree to formulate at an early date plans for an international conference to negotiate such a multilateral petroleum agreement. They will consult together and with other interested governments with a view to taking whatever action is necessary to prepare for the proposed conference.

*Article IV:*

1. Numerous problems of joint immediate interest to the signatory governments with respect to the international petroleum trade should be discussed and resolved on a co-operative interim basis if the general petroleum supply situation is not to deteriorate.

2. With this end in view, the signatory governments agree to establish an international petroleum commission to be composed of six members, three members to be appointed immediately by each government. To enable the commission to maintain close contact with the operations of the petroleum industry, the signatory governments will facilitate full and adequate consultation with their nationals engaged in the petroleum industry.

3. In furtherance of and in accordance with the purposes of this agreement, the commission shall consider problems of mutual interest to the signatory governments and their nationals, and with a view to the equitable disposition of such problems it shall be charged with the following duties and responsibilities:

(A) to study the problems of the international petroleum trade caused by dislocations resulting from war;

(B) to study past and current trends in the international petroleum trade;

(C) to study the effects of changing technology upon the international petroleum trade;

(D) to prepare periodic estimates of world demands for petroleum and of the supplies available for meeting the demands, and to report as to means by which such demands and supplies may be correlated so as to further the efficient and orderly conduct of the international petroleum trade;

(E) To make such additional reports as may be appropriate for achieving the purposes of this agreement and for the broader general under-



standing of the problems of the international petroleum trade.

4. The Commission shall have power to regulate its procedure and shall establish such organization as may be necessary to carry out its functions under this agreement. The expenses of the Commission shall be shared equally by the signatory governments.

*Article V:*

The signatory governments agree:

(A) That they will seek to obtain the collaboration of the governments of other producing and consuming countries for the realization of the purposes of this agreement, and to consult with such governments in connection with activities of the Commission;

(B) That they will assist in making available to the Commission such information as may be required for the discharge of its function.

*Article VI:*

The signatory governments agree:

(A) That the reports of the Commission shall be published unless in any particular case either government decides otherwise;

(B) That no provision in this agreement shall be construed to require either government to act upon any report or proposal made by the Commission, or to require the nationals of either government to comply with any report or proposal made by the Commission, whether or not the report or proposal is approved by that government.

*Article VII:*

The signatory governments agree:

(A) That the general purpose of this agreement is to facilitate the orderly development of the international petroleum trade, and that no provision in this agreement, with the exception of Article II, is to be construed as applying to the operation of the domestic petroleum industry within the country of either government;

(B) That nothing in this agreement shall be construed as impairing or modifying any law or regulation, or the right to enact any law or regulation, relating to the importation of petroleum into the country of either government;

(C) That, for the purposes of this article, the word "country" shall mean

(1) In relation to the Government of the

United Kingdom of Great Britain and Northern Ireland, the United Kingdom, those British colonies, overseas territories, protectorates, protected states, and all mandated territories administered by that government and

(2) In relation to the Government of the United States of America, the continental United States and all territory under the jurisdiction of the United States, lists of which, as of the date of this agreement, have been exchanged.

*Article VIII:*

This agreement shall enter into force upon a date to be agreed upon after each government shall have notified the other of its readiness to bring the agreement into force and shall continue in force until three months after notice of termination has been given by either government or until it is superseded by the international petroleum agreement contemplated in Article III.

In witness whereof the undersigned, duly authorized thereto, have signed this agreement.

[Here follow the signatures.]

## THE FOREIGN SERVICE

### Diplomatic and Consular Offices

The United States Mission at Vienna was established effective August 22, 1945.

The American Consulate General at Amsterdam, Netherlands, was reestablished July 2, 1945.

### Confirmations

On September 24, 1945 the Senate confirmed the nomination of Maxwell M. Hamilton to be American Envoy Extraordinary and Minister Plenipotentiary to Finland.

### Foreign Agriculture

The following article of interest to readers of the BULLETIN appeared in the September issue of *Foreign Agriculture*, a publication of the Department of Agriculture, copies of which may be obtained from the Superintendent of Documents, Government Printing Office, for 10 cents each:

"Turkey's Agricultural Land Law", based on a report by Edward B. Lawson, commercial attaché, American Embassy, Ankara.

## Proclamations Concerning United States Jurisdiction Over Natural Resources in Coastal Areas and the High Seas

[Released to the press by the White House September 28]

The President issued two proclamations on September 28 asserting the jurisdiction of the United States over the natural resources of the continental shelf under the high seas contiguous to the coasts of the United States and its territories, and providing for the establishment of conservation zones for the protection of fisheries in certain areas of the high seas contiguous to the United States. The action of the President in regard to both the resources of the continental shelf and the conservation of high-seas fisheries in which the United States has an interest was taken on the recommendation of the Secretary of State and the Secretary of the Interior.

Two companion Executive orders were also issued by the President. One reserved and set aside the resources of the continental shelf under the high seas and placed them for administrative purposes, pending legislative action, under the jurisdiction and control of the Secretary of the Interior. The other provided for the establishment by Executive orders, on recommendation of the Secretary of State and the Secretary of the Interior, of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States.

Until the present the only high-seas fisheries in the regulation of which the United States has participated, under treaties or conventions, are those for whales, Pacific halibut, and fur seals.

In areas where fisheries have been or shall hereafter be developed and maintained by nationals of the United States alone, explicitly bounded zones will be set up in which the United States may regulate and control all fishing activities.

In other areas where the nationals of other countries as well as our own have developed or shall hereafter legitimately develop fisheries, zones may be established by agreements between the United States and such other states, and joint regulations and control will be put into effect.

The United States will recognize the rights of other countries to establish conservation zones off their own coasts where the interests of nationals of the United States are recognized in the same manner that we recognize the interests of the nationals of the other countries.

The assertion of this policy has long been advocated by conservationists, including a substantial section of the fishing industry of the United States, since regulation of a fishery resource within territorial waters cannot control the misuse or prevent the depletion of that resource through uncontrolled fishery activities conducted outside of the commonly accepted limits of territorial jurisdiction.

As a result of the establishment of this new policy, the United States will be able to protect effectively, for instance, its most valuable fishery, that for the Alaska salmon. Through painstaking conservation efforts and scientific management the United States has made excellent progress in maintaining the salmon at high levels. However, since the salmon spends a considerable portion of its life in the open sea, uncontrolled fishery activities on the high seas, by nationals of either the United States or other countries, have constituted an ever-present menace to the salmon fishery.

The policy proclaimed by the President in regard to the jurisdiction over the continental shelf does not touch upon the question of Federal versus State control. It is concerned solely with establishing the jurisdiction of the United States from an international standpoint. It will, however, make possible the orderly development of an underwater area 750,000 square miles in extent. Generally, submerged land which is contiguous to the continent and which is covered by no more than 100 fathoms (600 feet) of water is considered as the continental shelf.

Petroleum geologists believe that portions of the continental shelf beyond the three-mile limit contain valuable oil deposits. The study of subsurface structures associated with oil deposits which have been discovered along the Gulf coast of Texas, for instance, indicates that corresponding deposits may underlie the offshore or submerged land. The trend of oil-productive salt domes extends directly into the Gulf of Mexico off the Texas coast. Oil is also being taken at present from wells within the three-mile limit off the coast of California. It is quite possible, geologists say, that the oil deposits extend beyond this traditional limit of national jurisdiction.



Valuable deposits of minerals other than oil may also be expected to be found in these submerged areas. Ore mines now extend under the sea from the coasts of England, Chile, and other countries.

While asserting jurisdiction and control of the United States over the mineral resources of the continental shelf, the proclamation in no wise abridges the right of free and unimpeded navigation of waters of the character of high seas above the shelf, nor does it extend the present limits of the territorial waters of the United States.

The advance of technology prior to the present war had already made possible the exploitation of a limited amount of minerals from submerged lands within the three-mile limit. The rapid development of technical knowledge and equipment occasioned by the war now makes possible the determination of the resources of the submerged lands outside of the three-mile limit. With the need for the discovery of additional resources of petroleum and other minerals, it became advisable for the United States to make possible orderly development of these resources. The proclamation of the President is designed to serve this purpose.

POLICY OF THE UNITED STATES WITH RESPECT TO  
THE NATURAL RESOURCES OF THE SUBSOIL AND  
SEA BED OF THE CONTINENTAL SHELF<sup>1</sup>

By the President of the United States of America

A PROCLAMATION

WHEREAS the Government of the United States of America, aware of the long range world-wide need for new sources of petroleum and other minerals, holds the view that efforts to discover and make available new supplies of these resources should be encouraged; and

WHEREAS its competent experts are of the opinion that such resources underlie many parts of the continental shelf off the coasts of the United States of America, and that with modern technological progress their utilization is already practicable or will become so at an early date; and

WHEREAS recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization when and as development is undertaken; and

WHEREAS it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon cooperation and protection from the shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to the natural resources of the subsoil and sea bed of the continental shelf.

Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of September, in the year of our Lord  
[SEAL] nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON

Acting Secretary of State.

<sup>1</sup> 10 Federal Register 12303.

**POLICY OF THE UNITED STATES WITH RESPECT TO  
COASTAL FISHERIES IN CERTAIN AREAS OF THE  
HIGH SEAS<sup>1</sup>**

By the President of the United States of America  
**A PROCLAMATION**

WHEREAS for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

WHEREAS such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

WHEREAS the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

WHEREAS there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and main-

tained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of September, in the year of our Lord  
[SEAL] nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and seventieth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON

*Acting Secretary of State.*

**EXECUTIVE ORDER 9633**

**RESERVING AND PLACING CERTAIN RESOURCES OF  
THE CONTINENTAL SHELF UNDER THE CONTROL  
AND JURISDICTION OF THE SECRETARY OF THE  
INTERIOR<sup>2</sup>**

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this Order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between

<sup>1</sup> 10 *Federal Register* 12304.

<sup>2</sup> 10 *Federal Register* 12305.



the United States and the several states, relating to the ownership or control of the subsoil and sea bed of the continental shelf within or outside of the three-mile limit.

HARRY S. TRUMAN

THE WHITE HOUSE

September 28, 1945.

# EXECUTIVE ORDER 9634

## PROVIDING FOR THE ESTABLISHMENT OF FISHERY CONSERVATION ZONES<sup>1</sup>

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas," this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

HARRY S. TRUMAN

THE WHITE HOUSE

September 28, 1945.

## The Preparatory Commission of the United Nations

### DISCUSSION CONCERNING ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

[Released to the press by the Preparatory Commission of the United Nations September 18]

The issue of the admission of new members to the United Nations Organization came up for detailed discussion at the meeting of September 18 of the Executive Committee of the Preparatory Commission of the United Nations. Mr. Noel-Baker (U.K.) asked for the early admission of any peace-loving state which wishes to join the Organization. M. Gromyko (U.S.S.R.) was of the opinion that the admission of new members should be no part of the agenda of the first meet-

ing of the General Assembly. Mr. Stettinius (U.S.A.) submitted a proposal to the effect that point II of the agenda for the first meeting (part one) of the General Assembly should be drafted as follows:

- II (a) Consideration of the Report on procedure in the General Assembly regarding admissions of new members;
- (b) Consideration of recommendations, if any, from the Security Council relating to admission of new members.

This proposal was accepted by 11 votes against those of the Delegates of the U.S.S.R., Czechoslovakia, and Yugoslavia.

## Ratification of the Charter of the United Nations

[Released to the press September 25]

### Brazil

Carlos Martins, Ambassador of Brazil, deposited with the Department of State on September 21 the Brazilian instrument of ratification of the Charter of the United Nations and the annexed Statute of the International Court of Justice.

### Argentina

Luis S. Luti, Chargé d'Affaires ad interim of the Argentine Republic, deposited with the Department of State on September 24 the Argentine instrument of ratification of the Charter and Statute.

[Released to the press September 27]

### El Salvador

Héctor David Castro, Ambassador of El Salvador, deposited with the Department of State on September 26 the Salvadoran instrument of ratification of the Charter of the United Nations and the annexed Statute of the International Court of Justice. El Salvador is the eighth nation to complete the necessary action on the Charter.

The following governments have deposited instruments of ratification in the order listed: United States, France, Dominican Republic, Nicaragua, New Zealand, Brazil, Argentina, and El Salvador.

<sup>1</sup> 10 Federal Register 12305.

# International Military Tribunal

## EXECUTIVE ORDER

[Released to the press by the White House September 24]

### APPOINTMENT OF THE MEMBER AND ALTERNATE MEMBER FOR THE UNITED STATES OF THE INTERNATIONAL MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS<sup>1</sup>

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. In accordance with Article II of the Charter of the International Military Tribunal established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics for the trial and punishment of the major war criminals of the European Axis, pursuant to their agreement of August 8, 1945, I hereby appoint Francis Biddle of Pennsylvania to be the Member for the United States of the International Military Tribunal and John J. Parker of North Carolina to be the Alternate Member for the United States of the International Military Tribunal.

2. The Member for the United States of the International Military Tribunal shall receive such compensation and allowance for expenses as may be determined by the Secretary of State. The Alternate Member shall serve without compensation but shall receive such allowance for expenses as may be authorized by the Secretary of State.

3. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the Member and the Alternate Member in the performance of their duties hereunder and may assign or detail such personnel, including members of the armed forces, as may be requested for the purpose.

HARRY S. TRUMAN

THE WHITE HOUSE  
September 24, 1945

## STAFF OF TECHNICAL ADVISERS

[Released to the press by the White House September 29]

Francis Biddle, the United States Member of the International Military Tribunal, and Judge John J. Parker, the Alternate Member, have undertaken the performance of their duties and will shortly depart from the United States.

They will be accompanied by the following staff of technical advisers: Assistant Attorney General Herbert Wechsler, who has been in charge of the War Division of the Department of Justice; Lt. James Rowe, Jr., U.S.N.R., formerly an administrative assistant to the President, who served as the Assistant to the Attorney General from 1941 to 1943 and has just returned from two years of active duty in the Pacific; Quincy Wright, professor of international law at the University of Chicago and a consultant in the Department of State; Maj. Robert P. Stewart, F.A., formerly on duty with 30th Infantry Division, Fort Jackson, and Capt. Adrian S. Fisher, formerly a legal aide to Assistant Secretary of War John J. McCloy, who returns from active duty as a navigator in the Pacific.

## CORRIGENDA

### Agreement for the Establishment of an International Military Tribunal<sup>2</sup>

These corrections should be made on pages 222-26 of the BULLETIN of August 12, 1945.

Page 222, first column, third paragraph, third line: The word "geographic" should read "geographical".

Page 223, first column, second paragraph, second line of Article 5.: Delete the word "given" at the end of the line.

Page 223, second column, seventeenth line, the signature for the United Kingdom should read "JOWITT C".

### Charter of the International Military Tribunal<sup>3</sup>

Page 223, first column, second paragraph, seventh line of Article 2.: Delete the word "other".

Page 226, first column, fourth paragraph, third line of Article 22.: The word "Prosecutor" should read "Prosecutors".

<sup>1</sup> Ex. Or. 9626 (10 Federal Register 12113).

<sup>2</sup> The texts of these documents will be printed in Executive Agreement Series 472.



# Great Lakes—St. Lawrence Seaway and Power Projects

## EXCHANGE OF TELEGRAMS BETWEEN THE PRESIDENT AND GOVERNOR DEWEY

[Released to the press by the White House September 27]

ALBANY, NEW YORK  
September 19, 1945

THE PRESIDENT,  
*The White House.*

Chairman Bonbright, of the New York State Power Authority, has informed me of the series of conferences recently held in Washington between members of the United States Senate, Under-Secretary of State Acheson, Judge Rosenman and Dr. N. R. Danielian, who purport to represent your views. Secretary Acheson and Judge Rosenman have stated or implied that you intend to sponsor a bill which will merely ratify the international agreement for the development of the St. Lawrence and completely omit the accord between the Federal Government and the State of New York for the development of its power resources.

The St. Lawrence bill which in substance has been introduced year after year provided that the Federal Government would construct both the seaway and power facilities and that this Nation's share of the power facilities would be turned over to the New York State Power Authority in return for ninety-three million three hundred seventy five thousand dollars. This amount was agreed upon by President Roosevelt's Administration and the United States Army Engineers who have prepared the plans for this project and who would supervise the construction. Relying on Federal executive approval previously expressed the State of New York has already expended one and one half million dollars in advancing this project.

In 1941 a suggestion like that now proposed was advanced striking the Federal-State accord from the bill. At that time members of the Federal Administration who advocated Federal control of this power were heard and their views were not followed. President Roosevelt after conferring

with my predecessor, Governor Lehman, rejected the proposal.

It has even been suggested that you will urge an amendment of the proposed bill, after introduction, to permit the inclusion of the Federal-State accord. I am sure you recognize what a hollow procedure it would be to have this bill introduced in an emasculated form and in such form made the subject of committee hearings and Federal departmental recommendations. If the Federal-State accord is ultimately to be part of the bill, in fairness to the committee members considering it and to the vital interests of the people of the State of New York the accord should be a part of the bill from the very beginning. Rights so fundamental should not be subjected to the perils and vagaries of parliamentary procedure. They should not be subjected to a cross-fire between the advocates of Federal power monopoly and private power monopoly.

For the last five years I have advocated every constructive movement to make possible this great St. Lawrence development.

But rather than see the fundamental rights of the people of this State disregarded I should be compelled to oppose any measure which omits the agreement as to power development already made and approved by the Executive Branches of the Federal Government and this State. I am confident you will agree that the accord should not be omitted from any bill to be introduced and earnestly trust that I may count upon your support in this matter of such vital interest to the people of New York State.

I am mailing a copy of this wire to the interested Senators and members of the New York State Power Authority.

Sincerely yours,

THOMAS E. DEWEY

SEPTEMBER 26, 1945.

HONORABLE THOMAS E. DEWEY

*The Governor of the State of New York*

This is to acknowledge receipt of your telegram of September nineteenth with reference to the Great Lakes - St. Lawrence Seaway and Power Projects.

I am sure that you are aware of the fact that I have been and still am in favor of constructing both the Seaway and the Power projects; and was happy and proud to vote for them on December 12, 1944 when I was Vice President - Elect but still a member of the United States Senate.

I continue to be enthusiastically in favor not only of the development of the St. Lawrence Waterway but also of the water power on the river. I also continue to believe very strongly that the necessary power facilities should be built by the Federal Government and turned over to the appropriate New York State agency in accordance with the agreement recommended by the Corps of Engineers of the United States Army and the Power Authority of the State of New York dated February 7, 1933. This was the program of President Roosevelt, and I have always been in favor of it.

A group of Senators interested in these same objectives, composed of Republicans and Democrats, have been holding meetings to discuss the best means of obtaining these results. I am informed that you have been kept fully advised about these conferences as they have progressed. The conferees have been advising with my representatives as to the best manner to bring the proposals to a successful conclusion in the Congress of the United States.

Inasmuch as it is a legislative matter, I am inclined to follow their ultimate conclusions on the best means of avoiding continued fruitless discussion and of getting some early, definite action toward accomplishing both of these objectives. It is the early construction of the project—both power and seaway—which will benefit the people of New York and the Great Lakes area, and not the form of any particular bill.

As you know, I have always been, and still am, ready to cooperate in any way I can to have the Congress of the United States ratify as soon as possible the Canadian-American agreement of March 19, 1941 for the development of the Great Lakes - St. Lawrence Basin, and also take the ap-

propriate steps to transfer to the State of New York the ownership and management of the St. Lawrence power facilities at the International Rapids.

I am not so much interested in the details of legislative procedure; nor do I feel that it is proper for me to interfere with the sponsors of the legislation as to the legislative procedure to be followed. I am, however, most interested in the ultimate objectives which I am sure you wish to attain just as I do.

Copies of this telegram are being sent to the interested Senators and to the members of the New York State Power Authority.

HARRY S. TRUMAN

## Visit of Venezuelan Veterinarian to the United States

[Released to the press September 25]

Dean J. J. Ramírez Villamediana of the faculty of veterinary medicine of the University of Caracas, Venezuela, is visiting centers of agricultural education in this country as guest of the Department of State. He is especially interested in observing methods of teaching and research in his field because of the expansion of these courses in Venezuela, where a new National Institute of Agriculture is under way. The Institute is located at Maracay, in the center of the Venezuelan cattle region. Ten buildings of the thirty being erected are assigned to the work in veterinary medicine under the direction of Dean Ramírez Villamediana.

He says that other features of the National Institute of Agriculture are being planned throughout in accordance with the most progressive technical ideas of modern science. These include a 200-apartment residence for students, a 50-apartment residence for bachelor members of the faculty, and a residential zone with 54 homes for married faculty members. The Institute, begun in February 1945, will be open for classes in 1947.

Dean Ramírez Villamediana's tour of inspection in the United States will include Maryland, Pennsylvania, New York, New Jersey, Texas, and Iowa.



**Executive Order:**

# **Redistribution of Foreign Economic Functions and Functions With Respect to Surplus Property in Foreign Areas<sup>1</sup>**

[Released to the press by the White House September 27]

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

## **PART I**

1. The Foreign Economic Administration established by Executive Order No. 9380 of September 25, 1943, hereinafter referred to as the Administration, and its agencies except as otherwise provided in this order, and the office of the Administrator of the Foreign Economic Administration, are terminated and disposition shall be made of the affairs thereof according to the provisions of this Part.

2. There are transferred to the Department of State all functions of the Administration and of its agencies with respect to:

(a) The administration of the Act of March 11, 1941, as amended, entitled "An Act further to promote the defense of the United States and for other purposes."

(b) The participation by the United States in the United Nations Relief and Rehabilitation Administration, as defined in Executive Order No. 9453 of July 6, 1944.

(c) Activities in liberated areas with respect to supplying the requirements of and procuring materials in such areas under paragraph 4 of the said Executive Order No. 9380.

(d) The gathering, analysis, and reporting of economic and commercial information, insofar as such functions are performed abroad.

(e) The planning of measures for the control of occupied territories.

(f) The administration of Allocation No. 42/3-98 of February 1, 1943 from the appropriation, "Emergency Fund for the President, National Defense, 1942 and 1943."

3. There are transferred to the Reconstruction Finance Corporation:

(a) The Rubber Development Corporation, the Petroleum Reserves Corporation, and the U. S. Commercial Company and their functions, capital stock, assets, and liabilities. The board of directors of the Reconstruction Finance Corporation may reconstitute the boards of directors of the said transferred corporations.

(b) The functions of the Administration (including those of the U. S. Commercial Company) with respect to the procurement of commodities abroad, excluding such functions transferred to the Department of Agriculture under paragraph 5 of this Part.

4. There are transferred to the Department of Commerce all functions of the Administration and its agencies with respect to:

(a) Export control, including all functions of the Administration under section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended and extended.

(b) The Technical Industrial Intelligence Committee (under existing directive of the United States Joint Chiefs of Staff).

(c) The facilitation of trade, including functions affecting foreign trade and domestic commerce and the functions of the Clearing Office for Foreign Transactions and Reports, except as any of the aforesaid functions are otherwise transferred by this Part.

(d) Any other matter not transferred by this Part, including the final liquidation of the Administration and winding up of such of its affairs as are not otherwise transferred by this order.

5. There are transferred to the Department of Agriculture the functions of the Office of Foreign Food Programs and all other functions of the Administration with respect to food (as defined in paragraph 10 of Executive Order No. 9280 of December 5, 1942), food machinery, and other food facilities.

<sup>1</sup> Ex. Or. 9630 (10 Federal Register 12245).

6. There are transferred to the heads of the agencies to which functions are transferred by this Part the respective functions of the Administrator of the Foreign Economic Administration, hereafter referred to as the Administrator, which relate to the functions so transferred to the aforesaid agencies.

## PART II

7. For the purpose of unifying the disposition of foreign property owned by the United States in foreign areas under a single agency acting in conformity with the foreign policy of the United States and with the Surplus Property Act of 1944, and consonant with the transfer of such disposition function under paragraph 2 (a) hereof and the designation of the Department of State, pursuant to the provisions of the Surplus Property Act of 1944, as a disposal agency for all surplus property in foreign areas, excepting certain vessels, there are transferred to the Department of State all functions of the Army-Navy Liquidation Commissioner (under whatever authority, including War Department Memorandum No. 850-45, dated January 27, 1945 and letter of the Secretary of the Navy dated February 1, 1945) and all functions of the War Department and the Navy Department relating to the disposition abroad of property captured from the enemy. So much of the functions of the Secretary of War and the Secretary of the Navy as relates thereto is transferred to the Secretary of State. The office of Army-Navy Liquidation Commissioner is abolished.

8. The War Department and the Navy Department shall each store, care for, handle, deliver and keep the fiscal and other accounts for all property declared to be surplus in foreign areas, including property captured from the enemy, and shall also furnish such personnel, transportation and administrative services or facilities as may be required for foreign disposal. The provisions of this paragraph shall be carried out without reimbursement from the Department of State for the services rendered. As used in this order, the words "foreign areas" mean areas outside the continental United States, its territories and possessions.

9. The Secretary of War and the Secretary of the Navy are authorized to detail officers and enlisted persons of the military and naval establishments, respectively, to the Department of State to assist it in the discharge of its duties under this Part or of any duties delegated to it under the

Surplus Property Act of 1944, and any such officer or enlisted person shall, while so detailed, retain and be entitled to the rights, benefits, promotions and status of an officer or enlisted person of the establishment from which he was detailed.

## PART III

10. There are transferred to the respective agencies to which functions are transferred by this order, for use in connection with the functions so transferred, so much as the Director of the Bureau of the Budget shall determine to relate to such functions, respectively, of the records, property, civilian personnel, and funds of the Administration and its agencies (including funds appropriated to the President for carrying out functions administered by the Administration) and of the War Department and of the Navy Department. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and abolitions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

11. The head of each agency to which functions are transferred by this order may, in the interest of efficient administration, assign such of the functions transferred to such head or to his agency by this order as he shall determine to such officers and agencies under his jurisdiction as he shall designate.

12. All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

13. All provisions of prior Executive orders and of prior instruments of any Federal agency in conflict with this order are amended accordingly. Each transfer of functions provided for in this order shall be effective on such date, not later than December 31, 1945, as shall be designated jointly by the Director of the Bureau of the Budget and the head of the agency to which the function is transferred. Pending such designations the officers and agencies from whom functions are transferred under this order shall continue to administer their respective functions.

HARRY S. TRUMAN

THE WHITE HOUSE

September 27, 1945



# Dissolution of the Middle East Supply Center

JOINT STATEMENT BY GOVERNMENTS OF UNITED STATES AND UNITED KINGDOM

[Released to the press simultaneously in Washington and London September 26]

1. With the end of the Japanese war, the time has come to review the machinery whereby imports into the Middle East countries have hitherto been regulated. The Middle East Supply Center, which has been the agency of the United Kingdom and United States Governments in dealing with the Middle East countries with respect to civil supplies and a wide range of economic problems, has, with the conclusion of the war, achieved the essential purpose for which it was set up. The United Kingdom and United States Governments, sharing the hope that normal commercial channels of trade may be resumed at the earliest practicable moment, and recognizing the desire of the peoples of the Middle East to lose as little time as possible, now that the emergency is past, in building up their post-war economic life free from the restrictions necessitated by wartime conditions, have therefore agreed that on the first of November 1945 the Middle East Supply Center will be dissolved.

2. In so far as special procedures may apply to the procurement of certain scarce commodities by reason of world shortages, as for example in the case of certain major foodstuffs, special arrangements will be made to cover the period of adapta-

tion to post-war conditions. Furthermore, in order to assure that this transition shall be of an orderly nature, every effort will be made by the Governments of the United Kingdom and the United States to assist the local governments concerned in adapting their own procedures to the new conditions.

3. The Governments of the United Kingdom and the United States consider that the Middle East Supply Center has been an indispensable aid in the common war effort and a working example of practical international economic cooperation. They wish to place on record their recognition of the great contribution which the Middle East countries have rendered by whole-heartedly cooperating in the necessary wartime arrangements for supplying and maintaining the United Nations wartime base and line of communications in the Middle East. They also wish to thank all those who have contributed to the success of the Middle East Supply Center, either as British or American members of its combined staff or in other capacities, both in Cairo and in the numerous territories which have looked to the Middle East Supply Center for supplies and technical assistance since its creation in 1941.

## REVIEW OF THE WORK OF THE MIDDLE EAST SUPPLY CENTER

[Released to the press by the Department of State and the Foreign Economic Administration September 26]

So that "normal commercial channels of trade may be resumed at the earliest practicable moment", the United States and British Governments announced on September 26 the dissolution of the Middle East Supply Center effective November 1. This Anglo-American agency in Cairo has since 1941 supervised the civilian supply of the countries of the Near and Middle East. The announcement, made simultaneously in Washington, London, and Cairo, was released here by the Department of State and the Foreign Economic Administration.

The announcement paid tribute to the Supply Center as "an indispensable aid in the common

war effort" and recognized the interest of the Middle East countries "in building up their post-war economic life free from the restrictions necessitated by wartime conditions". It added that special arrangements would be made where necessary with regard to a few commodities, such as certain major foodstuffs still in world short supply, to cover the transition to post-war conditions. Every assistance was promised to the Middle East governments in adapting themselves to the new conditions.

The Middle East Supply Center was established early in 1941 by the British Government and upon British invitation became an Anglo-American

agency beginning in July 1942. American personnel assigned to the Supply Center by the Department of State and the Foreign Economic Administration gradually increased until the major executive posts were shared about equally between the two countries. Mr. Frederick Winant, now U.S. director of foreign and interzonal trade for the Allied Control Council in Germany, was the first principal U.S. civilian representative to the Supply Center. He was succeeded in turn by Mr. James M. Landis, who held the title of Minister and Director of American Economic Operations in the Middle East, and by Mr. John P. Dawson, now joint economic representative of the Department of State and the Foreign Economic Administration in the area.

When the Supply Center was established the Middle East was under heavy military pressure from Axis forces. The importance of the Middle East as a base of military operations, a major supply source for petroleum and other products, and the primary route for movement of supplies to Russia made it imperative to avoid serious economic dislocations in the area. Maintaining economic stability was made difficult by wartime social tensions, the infiltration of large numbers of Axis agents, and the need for drastic curtailment of imports due to grave shipping and supply shortages.

The Middle East Supply Center achieved its goal by first estimating carefully the minimum essential needs of the area and then working in close cooperation with the Middle East governments to meet them. Heavy pre-war imports of wheat were drastically slashed by the reduction of Egyptian cotton acreage more than 60 percent and planting the million acres thus released in cereals and other foodstuffs. New cereals and other food crops were brought under cultivation throughout the Middle East, a million acres in Syria alone. A program for mixing wheat flour with millet, barley, and other adulterants saved 500,000 tons of shipping per year. The annual import of fertilizers into Egypt was cut by approximately 300,000 tons. The Supply Center's Anti-Locust Unit carried out numerous widespread campaigns against the locust swarms which, beginning in 1943, threatened to destroy millions of acres of crops.

The Supply Center similarly stimulated industrial output for both military and civilian con-

sumption, raising the production of such varied items as paper, thread, sugar, batteries, cement, glycerine, leather, and soap. Egypt's output of beer for the Allied armed forces, a bulky item to import, was increased from 1,500,000 to over 50,000,000 gallons per year. Technical advice was provided on the production and conservation of scarce materials. The conversion of the Middle East railways from coal brought from overseas to oil available nearby saved 350,000 tons of shipping annually—approximately 1,000 tons for every ton of machinery needed for conversion.

At the same time strict control was maintained over all imports, eliminating luxuries altogether and reducing necessities to a bare minimum. It was, however, the Supply Center's policy in so far as possible to import essential supplies through normal trade channels.

Through these methods the Middle East Supply Center reduced the area's normal imports of nearly 5,500,000 tons to less than 1,500,000 and thereby released port capacity and internal transport to military use while maintaining the basic civilian economy. It is believed that the success of the Supply Center was an indispensable condition both to achieving the necessary flow of supplies to Soviet Russia and to winning the battle of El Alamein.

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**ACHESON**—Continued from page 469.

This, then, is the provision which the Department of State has made in recognition of the role which labor will play in the international aspects of the post-war world. It has been developed in order to assure a regular flow of foreign labor information to the Department; to make certain that the interests of labor are taken into account in the formulation of our foreign policy; and also to provide labor in the United States with a channel through which it can communicate its interests in foreign policy directly to the agency responsible for this Government's international relations. We shall endeavor to discharge our responsibilities in this field as faithfully as we can. We shall look to you and to your organizations, as representatives of a large segment of our people, to help us by keeping us informed on their interests in international affairs.



# Visa-Control Regulations<sup>1</sup>

**T**HE ADMISSION OF IMMIGRANTS into the United States during normal periods has been controlled by the issuance of visas by our diplomatic and consular officers abroad. Numerical and racial limitations have been imposed by various enactments of the Congress; the standards set up for individual qualifications have operated in a negative, rather than in a positive, manner. However, by the outbreak of the war this Government was confronted with a new situation: It had become apparent that the Axis powers were not only utilizing the aid of those persons who believed in a totalitarian form of government but were employing also the leverage of duress—the hostage situation—to obtain the cooperation of relatives in the United States and in other neutral countries in the procurement of information helpful to their cause.

It therefore became necessary to establish a procedure to assist visa-issuing officers in screening applicants for visas, to the end that the public interest of the United States might be fully protected. For the first time, therefore, the control of the issuance of visas was centralized in the Visa Division of the Department of State by a Departmental order dated June 20, 1941.<sup>2</sup> The control became effective on July 1, 1941. Thereafter every application for a visa, with certain exceptions, became subject to a close scrutiny. Biographical information was submitted by interested persons, and it was required that each applicant have the sponsorship of two citizens of the United States or of two persons who had been lawfully admitted into this country for permanent residence.

Upon the receipt of affidavits of sponsorship and of biographical information (comprised in the visa forms BC), the Visa Division undertook a check with various intelligence agencies of the Government. When this check was completed the file was assembled and the case went forward to an interdepartmental committee composed of representatives of the Immigration and Naturalization Service and the Federal Bureau of Investigation of the Department of Justice; of the Military Intelligence

## Revision of Visa Regulations

[Released to the press September 26]

In contemplation of new regulations now in the process of issuance, revising the wartime restrictions on the departure of aliens from the United States, the Department of State and the Department of Justice announced jointly on September 26 that the exit-permit requirements have been waived in the cases of most aliens departing from the United States. Hereafter exit permits or exit visas will generally be required only in the following classes of cases:

1. German nationals departing from the United States to any destination.
2. Aliens who are Japanese persons and who are departing from the United States to any destination.
3. Aliens, regardless of race or nationality, who are departing from the United States to Germany, Austria, or Italy, or to an area of military or naval operations or occupation in the China-Burma theater or the theater of military or naval operations or occupation in the Pacific.
4. Alien members of the armed forces of the United States departing under conditions to be specified in the new regulations.
5. Alien seamen departing under conditions to be specified in the new regulations.

Division of the War Department; and of the Office of Naval Intelligence. A representative of the Department of State served as chairman of the committee.

A favorable vote by the committee formed the basis of a recommendation to the Secretary of State for the approval of the issuance of a visa. If, however, the vote was adverse, the Visa Division arranged for interested persons to be heard orally before an Interdepartmental Visa Review Committee. After a hearing, the committee also

<sup>1</sup> Prepared by Edwin B. Earnest, Assistant Chief of the Visa Division, Office of Controls, Department of State.

<sup>2</sup> BULLETIN of June 28, 1941, p. 764.

formulated a recommendation. Cases decided against the alien applying for a visa were automatically forwarded to an Appeals Board, composed of two persons appointed by the President, which considered the application on the record below.

The provisions of the wartime regulations set up certain categories of aliens whose entry into the United States was deemed to be prejudicial to the public interest.<sup>3</sup>

The declarations of war by the United States against the Axis powers led immediately to the issuance of presidential proclamations by virtue of which natives, citizens, denizens, and subjects

<sup>3</sup> "(a) Any alien who belongs to one of the classes specified in the act of October 16, 1918 (40 Stat. 1012) as amended;

"(b) Any alien who is a member of, affiliated with, or may be active in the United States in connection with or on behalf of a political organization associated with or carrying out the policies of any foreign government opposed to the measures adopted by the Government of the United States in the public interest or in the interest of national defense or in the interest of the common defense of the countries of the Western Hemisphere;

"(c) Any alien in possession of, or seeking to procure, unauthorized secret information concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

"(d) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of the measures adopted by the Government of the United States for the defense of the United States or for the defense of any other country;

"(e) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such Hemisphere;

"(f) Any alien engaged in organizing or directing any rebellion, insurrection, or violent uprising against the United States;

"(g) Any alien engaged in a plot or plan to destroy materials or sources thereof vital to the defense of the United States;

"(h) Any alien whose admission would endanger the public safety, as provided in any Executive order issued in pursuance of the act of Congress approved June 20, 1941 (Public Law 113, 77th Cong.);

[The following subsection was originally termed subsection (i).]

"Any alien who is not within one or more of the foregoing classes, but in whose case circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the act of June 20, 1941 to safeguard."

of such powers became classifiable as alien enemies.<sup>4</sup> Under an amendment of the regulations subsequently adopted it was provided that the entry of an alien enemy would be deemed *prima facie* prejudicial to the public interest.<sup>5</sup> Alien enemies could, however, be excepted from the excluding provision in the discretion of the Secretary of State on the recommendation of the Board of Appeals after consideration by the interdepartmental committees.

Originally, under the wartime regulations, American diplomatic and consular officers could not act upon visa applications before receiving the State Department's advisory approval. There were certain exceptions, however, and as time elapsed and with the changing military picture it became possible to enlarge the number of exempted categories of persons whose cases could be acted upon without a departmental opinion. The Department utilized this technique to ease the control of the issuance of visas in cases in which the public interest was clearly not endangered; at the same time it broadened the authority and responsibilities of diplomatic and consular officers.

The so-called committee, or wartime, procedure remained in effect until July 1, 1945. Several months before that date it was proposed to revise the control system in important respects. Before the collapse of Germany the Department of State, in collaboration with officials of the Department of Justice, had undertaken the drafting of new regulations, which were adopted with the concurrence of the Attorney General; they came into force to displace the wartime provisions.<sup>6</sup>

Under the provisions of the revised regulations the principal changes related to the discontinuance of the interdepartmental committees and

<sup>4</sup> Presidential Proclamation no. 2525, Dec. 7, 1941—Japan; no. 2526, Dec. 8, 1941—Germany; and no. 2527, Dec. 8, 1941—Italy.

The existence of a state of war with Bulgaria, Hungary, and Rumania was recognized by joint resolutions of the Congress on June 5, 1942; citizens, etc., of such countries became classifiable as alien enemies by a presidential proclamation of July 17, 1942.

<sup>5</sup> The amendment was adopted as subsection (i) to Section 58.47 of the regulations which were published in the *Federal Register* of Nov. 22, 1941.

<sup>6</sup> The revised regulations were published in the *Federal Register* of July 21, 1945. See also BULLETIN of July 22, 1945, p. 131.



of the Board of Appeals. An alien seeking admission into the United States must first make application to an American diplomatic or consular officer; interested persons no longer initiate action by approaching the Visa Division. A picture of the change in the procedure is developed by pointing out that, with certain exceptions, under the original regulations an advisory approval was required, whereas under the revised regulations an advisory approval is not required.

Advisory opinions are now formulated solely at the request of diplomatic and consular officers. Applications heretofore considered by the interdepartmental committees are now examined in the Department by junior and senior examiners; their findings are reviewed by senior counselors in difficult or complex cases; and the resulting opinion may be examined further by assistant chiefs of the Visa Division or by the Chief of Division.

The revised regulations were drawn up to effect the return to the field of visa controls. Officers must seek advisory opinions of cases which were unfavorably recommended under the wartime procedure; of cases in which doubts emerge; of alien seamen's cases; and of several other categories of lesser importance.

The classes of persons whose entry was deemed to be prejudicial, as already listed under footnote 3, under the wartime regulations varied but slightly under the revision. It is significant to note, however, that an additional category was added:

"Any alien found to be, or charged with being, a war criminal by the appropriate authorities of the United States or one of its co-belligerents, or an alien who has been guilty of, or who advocated or acquiesced in activities or conduct contrary to civilization and human decency on behalf of the Axis countries during the present World War."

Field officers have full authority to disapprove visa applications without reference to the Department of State when they have knowledge that an alien's entry would be adverse to American interests. The Department requires that reports be submitted in such cases in order that a consistent policy may be pursued throughout the world and to provide a review of disapproved cases.

<sup>7</sup> Sec. 58.53 (j) of the revised regulations.

## Appointment of Edwin A. Locke, Jr., as President's Personal Representative to China

[Released to the press by the White House September 29]

The President announced on September 29 that he is sending his Personal Representative, Edwin A. Locke, Jr., to China to discuss with Generalissimo Chiang Kai-shek and key Chinese officials the ways in which the industrial experience of the United States can best be utilized to aid sound peacetime economic reconstruction and development of China. Mr. Locke will give particular attention to the immediate situation confronting the Chinese as a result of China's acquisition of large industries in Manchuria and other liberated provinces. He will be accompanied by his economic adviser, Albert Z. Carr, and on his return will submit a report and recommendations on Chinese-American economic relations.

While in China Mr. Locke will also make arrangements for terminating the work of the American Production Mission established late in 1944 to aid China's war effort. Originally organized by Donald Nelson, the mission under Mr. Locke's direction has maintained a staff of about 20 American industrial specialists in Chungking. Their close collaboration with the Chinese Government has been instrumental in obtaining increased production of munitions and basic raw materials from Free China's industrial facilities. Since the Japanese surrender the mission has been aiding the Chinese Government in dealing with the initial problems of reconversion and industrial revival.

"While concluding this war mission," the President said, "the American Government desires to continue its close cooperation with China. The American Production Mission is tangible evidence of the enduring friendship of our two nations. Out of our work together on problems of war production have come practical experience and mutual high regard which will be of great value to the future economic relations of our two countries and the world."

Since Mr. Locke came to Washington in 1940 to aid in the national defense effort much of his work has been in the field of foreign economic relations. In 1943, as assistant to Donald Nelson, then Chairman of the War Production Board, he visited England, Russia, and Canada on produc-

tion missions. The next year he accompanied Mr. Nelson to China as his executive assistant to help strengthen and organize China's war production effort, and on related visits to Russia, Australia, and New Zealand. In May 1945, Mr. Locke was appointed Personal Representative of the President and was also authorized by this Government to accept an appointment as economic adviser to the National Government of China. He is a native of Boston and a graduate of Harvard University.

## Pact of Alliance Terminated

### *Siam-Japan*

The Siamese Legation informed the Department of State in a note dated September 14, 1945 that on September 11, 1945 the Siamese Government officially notified the Japanese Government of the termination of the Pact of Alliance concluded between Siam and Japan in 1941 and of all treaties and agreements accessory thereto. These latter treaties and agreements, the Legation further stated, include the agreement for payments by special yen, the cultural agreement, and the treaty transferring the four Malay and two Shan States to Siam.

## Approval of Water Treaty by Mexican Senate<sup>1</sup>

*Statement by ACTING SECRETARY ACHESON*

[Released to the press September 28]

The report of the approval by the Mexican Senate of the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande below Fort Quitman, Texas, has been received with much satisfaction in the United States. As the President of Mexico said in his recent report to the Mexican Congress, "This treaty removed the cause of possible controversy between our two countries." On the positive side, it calls for an equitable division of the water supply of these rivers and for a program of international water-conservation works that will promote the well-being and prosperity of large areas on

both sides of the boundary. In approving the treaty at this time the Senate of Mexico has given symbolical expression in a most important and concrete fashion to the hopes of both our peoples that as they cooperated in war so will they henceforth cooperate in the arts of peace.

I have no hesitation in saying that both countries have every reason to be proud of their achievement in concluding this water treaty. Not only is it one of the most important conventions that they have negotiated with each other but also its importance reaches far beyond their frontiers since this treaty will stand as an example to the whole world of the manner in which two neighboring and sovereign states, each having a great interest in a vital resource in the area of their common boundary, can cooperate in an atmosphere of goodwill to devise a fair and workable plan to make this resource not a bone of contention between them but a means of furthering their mutual welfare and friendly relations.

## Acceptance of Passport Applications for Travel to Italy

[Released to the press September 27]

Supplementing the Department's announcement on July 28, 1945<sup>2</sup> concerning travel to the continent of Europe, a more liberal policy with respect to the granting of military permits for Italy is now announced. This will permit the acceptance of passport applications for travel to Italy on behalf of commercial business when that business is in the national interest of the United States and Italy or will aid materially the economic rehabilitation of Italy.

A person who desires to travel in Italy for commercial purposes should support his application with a letter from the head of the firm in the interest of which he intends to go to Europe, setting forth the nature of the business in which he intends to engage. It is the desire of the Government, acting to promote the interests of the United States and Italy, to facilitate export and import trade between the two countries. In this connection the Treasury Department is not requiring licenses for persons going from the United States

<sup>1</sup> The U.S. Senate approved the water treaty on Apr. 18, 1945. SEE BULLETIN of Apr. 22, 1945, p. 742.

<sup>2</sup> BULLETIN of July 29, 1945, p. 142.



to Italy to effect business transactions or to enter into business relations, provided no arrangements are made for the transfer or other disposition of blocked property in the United States.

## Appointment of Colonel Alfred McCormack as Special Assistant to the Secretary

[Released to the press September 27]

Acting Secretary Acheson announced on September 27 the appointment of Col. Alfred McCormack to be Special Assistant to the Secretary of State in charge of research and intelligence. Colonel McCormack, now on duty in the Military Intelligence Service of the War Department, will assume his new duties on October 1, immediately after separation from the Army.

Under the Executive order of September 20, 1945<sup>1</sup> terminating the Office of Strategic Services and disposing of its functions, the Research and Analysis Branch and the Presentation Branch of the Office of Strategic Services will be transferred to the State Department effective as of October 1, 1945. These two branches will be immediately organized as an interim office in the Department, with Colonel McCormack in charge. Shortly thereafter, such permanent offices as may be necessary for the creation of a strong intelligence unit, ordered by the President, will be established and placed under Colonel McCormack's direction. Between October 1 and January 1, when the interim office will pass out of existence, the permanent offices will absorb such functions and personnel of the two Office of Strategic Services branches as the Department of State desires to retain.

There will also be transferred to the permanent offices, under Colonel McCormack's direction, appropriate units already existing within the present structure of the Department of State.

This absorption by the Department of State of certain functions of the Office of Strategic Services and the recently announced absorption into the Department of certain of the functions of the Office of War Information and the Office of Inter-American Affairs which was announced on August 31, 1945<sup>2</sup> constitute the first steps in the reorganization of the Department to meet its expanding responsibilities. It should be emphasized that this reorganization will be worked out gradually one step at a time and will not take the form of numerous changes which will be announced simultaneously. As further changes are made, specific announcements regarding each individual change will be made to the public.

## Removal of German Art Objects to the United States

[Released to the press by the White House September 26]

The United States Government is removing from Germany to the continental United States certain perishable German art objects not readily identifiable as looted property, with the sole intention of keeping such treasures safe and in trust for the people of Germany or the other rightful owners. The United States Government will retain these objects of art in its possession only as long as necessary to insure their physical safety or until such time as it may be possible to return them to their rightful owners. The return of readily identifiable looted art objects to the liberated countries from the American Zone in Germany already is under way.

When the appropriate Allied bodies determine the rightful owners or conditions are restored in Germany whereby the safety of the objects to be stored in the United States can be definitely assured, the objects will be distributed according to the directives of such Allied groups. When objects of art are definitely established as being of *bona-fide* German ownership, they will be returned to Germany when conditions there warrant.

The reason for bringing these perishable art objects to the United States is that expert personnel is not available within the American Zone to assure their safety. At present these perishable objects are being stored under conditions which would bring about their deterioration. For many of these art objects there are not adequate housing facilities in Germany.

The National Gallery of Art, through the chairman of its Board of Trustees, Harlan Fiske Stone, Chief Justice of the United States, has been requested, on behalf of the Government, to arrange for the storage and protection of these works of art while they are in this country.

<sup>1</sup> BULLETIN of Sept. 23, 1945, p. 449.

<sup>2</sup> BULLETIN of Sept. 2, 1945, p. 306.

## PUBLICATIONS

During the quarter beginning July 1, 1945, the following publications have been released by the Department:<sup>1</sup>

2319. Papers Relating to the Foreign Relations of the United States, 1930. Vol. II. xciii, 797 pp. \$2.25 (buckram).
2326. Biographic Register of the Department of State, September 1, 1944. ii, 268 pp. 50¢.
2330. Papers Relating to the Foreign Relations of the United States, 1930. Vol. III. xc, 904 pp. \$2.25 (buckram).
2337. Papers Relating to the Foreign Relations of the United States, The Paris Peace Conference, 1919. Vol. XI. xxix, 736 pp. \$2 (buckram).
2338. Mutual Aid: Agreements Between the United States of America and France, Including: Agreement Relating to Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression and Agreement Relating to Supplies and Services—Signed at Washington February 28, 1945; effective February 28, 1945; Agreement Relating to Principles Applying to the Provision of Aid to the Armed Forces of the United States—Effectuated by exchange of notes signed at Washington February 28, 1945; effective from June 6, 1944; and Accompanying Memorandum and Exchanges of Letters—Signed at Washington February 28, 1945. Executive Agreement Series 455. 19 pp. 10¢.
2339. Cooperative Education: Agreement Between the United States of America and Honduras—Effectuated by exchange of notes signed at Tegucigalpa March 29 and April 12, 1944. Executive Agreement Series 447. 5 pp. 5¢.
2341. Inter-American Highway Between Chorrera and Rio Hato: Agreement Between the United States of America and Panama—Effectuated by exchange of notes signed at Washington March 23, 1940. Executive Agreement Series 449. 6 pp. 5¢.
2342. Rubber Production: Agreement Between the United States of America and Venezuela—Effectuated by exchange of notes signed at Caracas October 13, 1942 and exchanges of notes of October 11, 1943, and October 13, 1944 extending the agreement and of September 27, 1944 amending the agreement. Executive Agreement Series 446. 18 pp. 10¢.
2344. Passports for and Registration of American Citizens in Foreign Countries. Revised to April 17, 1945. Passport Series 1. 5 pp. Free.
2346. The Department of State Bulletin, vol. XII, no. 312, June 17, 1945. 24 pp. 10¢.<sup>2</sup>
2347. The Proclaimed List of Certain Blocked Nationals. Cumulative Supplement No. 4, June 22, 1945, to Revision IX of February 28, 1945. iii, 90 pp. Free.
2348. Blueprint for World Civil Aviation. The Chicago International Civil Aviation Conference of 1944 as Viewed by Four Members of the United States Delegation in Recent Magazine Articles. Conference Series 70. v, 34 pp. 15¢.
2349. Charter of the United Nations. Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State, June 26, 1945. Conference Series 71. 266 pp. 45¢.
2350. The Department of State Bulletin, vol. XII, no. 311, June 24, 1945. 56 pp. 10¢.
2351. Conference Inside Story: A radio broadcast, June 8, 1945. Conference Series 73. 8 pp. 5¢.
2352. The Department of State Bulletin, vol. XIII, no. 314, July 1, 1945. 42 pp. 10¢.
2353. Charter of the United Nations Together With the Statute of the International Court of Justice. Signed at the United Nations Conference on International Organization, San Francisco, California, June 26, 1945. Conference Series 74. 58 pp. Free.
2354. "This Hemisphere". By S. W. Boggs, Chief of Division of Geography and Cartography, Office of Public Affairs, Department of State. 13 pp. 5¢.
2355. The United Nations Charter as Declaration and as Constitution. A Letter to the President From Edward R. Stettinius, Jr., Chairman of the United States Delegation to the United Nations Conference at San Francisco, San Francisco, California, June 26, 1945. Conference Series 72. 12 pp. Free.
2356. Diplomatic List, July 1945. ii, 133 pp. Subscription, \$2 a year; single copy 20¢.
2357. Interim Arrangements Concluded by the Governments Represented at the United Nations Conference on International Organization, San Francisco, California, June 26, 1945. Conference Series 75. 4 pp. Free.
2358. The Department of State Bulletin, vol. XIII, no. 315, July 8, 1945. 31 pp. 10¢.
2359. Organization of the Department of State, April 1, 1945. vi, 88 pp. 40¢.
2360. The Department of State Bulletin, vol. XIII, no. 316, July 15, 1945. 27 pp. 10¢.
2362. Cooperative Education: Agreement Between the United States of America and Guatemala—Effectuated by exchange of notes signed at Guatemala August 10 and September 16, 1944. Executive Agreement Series 450. 4 pp. 5¢.
2363. Air Transport Services: Agreement Between the United States of America and Canada—Effectuated by exchange of notes signed at Washington February 17, 1945. Executive Agreement Series 457. 6 pp. 5¢.
2364. The Proclaimed List of Certain Blocked Nationals. Cumulative Supplement No. 5, July 27, 1945, to Revision IX of February 28, 1945. ii, 104 pp. Free.
2365. The Department of State Bulletin, vol. XIII, no. 317, July 22, 1945. 32 pp. 10¢.
2366. Security Against Renewed German Aggression. Statement by William L. Clayton, Assistant Secretary of State, before the Subcommittee on War Mobilization,

<sup>1</sup> Serial numbers which do not appear in this list have appeared previously or will appear in subsequent lists.

<sup>2</sup> Subscription, \$3.50 a year.



- Senate Committee on Military Affairs, June 25, 1945. Commercial Policy Series 77. 38 pp. 10¢.
2367. The Department of State Bulletin, vol. XIII, no. 318, July 29, 1945. 16 pp. 10¢.
2368. Facsimile of the Charter of the United Nations, Statute of the International Court of Justice, and Interim Arrangements, in five languages, signed at the United Nations Conference on International Organization, San Francisco, California, June 26, 1945. Conference Series 76. 236 pp. 60¢.
2369. The Department of State Bulletin, vol. XIII, no. 319, August 5, 1945. 52 pp. 10¢.
2370. Diplomatic List, August 1945. ii, 130 pp. Subscription, \$2 a year; single copy 20¢.
2371. Concerning Acceptance of Aviation Agreements as Executive Agreements: Exchange of Letters Between Senator Bilbo and Acting Secretary of State Grew and Article by Stephen Latchford, Adviser on Air Law, Aviation Division, Department of State. 18 pp. 10¢.
2372. The Combined Boards. By Courtney C. Brown, formerly adviser in the Office of International Trade Policy, Department of State. Commercial Policy Series 78. 8 pp. 5¢.
2373. Publications of the Department of State, July 1, 1945. iii, 35 pp. Free.
2374. The Department of State Bulletin, vol. XIII, no. 320, August 12, 1945. 50 pp. 10¢.
2375. Air Transport Services: Agreement Between the United States of America and Ireland—Effectuated by exchange of notes signed at Washington February 3, 1945; effective February 15, 1945. Executive Agreement Series 460. 9 pp. 5¢.
2376. Agricultural Planning for Peace and Future Prosperity. Conference Series 77. 8 pp. 5¢.
2377. The Department of State Bulletin, vol. XIII, no. 321, August 19, 1945. 24 pp. 10¢.
2378. Foreign Service List, July 1, 1945. ii, 65 pp. Subscription 50¢ a year, single copy, 15¢.
2379. Inter-American Relations After World War II. By George H. Butler, Chief, Division of River Plate Affairs, Office of American Republic Affairs, Department of State. Inter-American Series 26. 29 pp. 10¢.
2380. The Department of State Bulletin, vol. XIII, no. 322, August 26, 1945. 20 pp. 10¢.
2381. The Department of State Bulletin, vol. XIII, no. 323, September 2, 1945. 44 pp. 10¢.
2382. Proposed Educational and Cultural Organization of the United Nations. iii, 27 pp. 10¢.
2383. Proclaimed List of Certain Blocked Nationals, Supplement No. 6, September 14, 1945, to Revision IX of February 28, 1945. ii, 8 pp. Free.
2384. The Department of State Bulletin, vol. XIII, no. 324, September 9, 1945. 48 pp. 10¢.
2385. Diplomatic List, September 1945. ii, 128 pp. Subscription, \$2 a year; single copy 20¢.
2386. The Department of State Bulletin, vol. XIII, no. 325, September 16, 1945. 31 pp. 10¢.

## TREATY SERIES

990. Regulation of Production and Marketing of Sugar: Agreement and Protocol Between the United States of America and Other Powers—Signed at London May 6,

1937; proclaimed by the President of the United States of America April 20, 1945; effective September 1, 1937; Protocol Enforcing and Prolonging the Agreement—Signed at London July 22, 1942; proclaimed by the President of the United States of America April 20, 1945; and Additional Protocol—Signed at London August 31, 1944; proclaimed by the President of the United States of America April 20, 1945. 36 pp. 15¢.

The Department of State also publishes the United States Statutes at Large which contain the laws of the United States and concurrent resolutions of Congress, proclamations of the President, treaties, and international agreements other than treaties. The Statutes are issued after adjournment *sine die* of each regular session of Congress. The laws are also published in separate prints, popularly known as slip laws, immediately after enactment. These are issued in two series, Public Laws and Private Laws, consecutively numbered according to the dates of approval or the dates upon which bills or joint resolutions otherwise become law pursuant to the provisions of the Constitution. Treaties also are issued in a special series and are numbered in the order in which they are proclaimed. Spanish, Portuguese, and French translations, prepared by the Department's Central Translating Division, have their own publication numbers running consecutively from 1. All other publications of the Department since October 1, 1929 are numbered consecutively in the order in which they are sent to press; in addition, some of them are subdivided into series according to general subject.

To avoid delay, requests for publications of the Department of State should be addressed direct to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., except in the case of free publications, which may be obtained from the Department. The Superintendent of Documents will accept deposits against which the cost of publications ordered may be charged and will notify the depositor when the deposit is exhausted. The cost to depositors of a complete set of the publications of the Department for a year will probably be somewhat in excess of \$15. Orders may be placed, however, with the Superintendent of Documents for single publications or for one or more series.

The Superintendent of Documents also has, for free distribution, the following price lists which may be of interest: Foreign Relations of the United States; American History and Biography; Laws; Commerce and Manufactures; Tariff; Im-

migration; Alaska and Hawaii; Insular Possessions; Political Science; and Maps. A list of publications of the Bureau of Foreign and Domestic Commerce may be obtained from the Department of Commerce.

## THE CONGRESS

Permitting Renewal of Certain Trade-Mark Registrations After Expiry Thereof. H.Rept. 948, 79th Cong., to accompany H.R. 3424. 2 pp. [Favorable report.]

Repeal of Portions of Appropriations Available in the Fiscal Year 1946. H.Rept. 960, 79th Cong., to accompany H.R. 4103. 4 pp. [Favorable report.]

Study of Pacific Bases. A Report by the Subcommittee on Pacific Bases of the Committee on Naval Affairs, House of Representatives, Seventy-ninth Congress, first session, pursuant to H.Res. 154, a resolution for an investigation to determine whether the war effort is being carried forward efficiently, expeditiously, and economically. [No. 104.] Members of Subcommittee Investigating Pacific Bases: Ed. V. Izac, California, Chairman; Andrew J.

Biemiller, Wisconsin; C. W. (Runt) Bishop, Illinois; J. R. Farrington, Hawaii; Lt. William C. Lewis, Jr., U. S. N. R., Counsel. vii, 139 pp.

## THE DEPARTMENT

### Appointment of Officers

Joseph E. Johnson has been designated Chief of the Division of International Security Affairs, effective September 20, 1945.

Joseph W. Ballantine has been designated Special Assistant to the Secretary, effective September 19, 1945.

### Confirmations

On September 24, 1945 the Senate confirmed the nominations of Dean G. Acheson as Under Secretary of State and Frank McCarthy as Assistant Secretary of State.

#### ADVERTISEMENT

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